



FOR OFFICIAL USE ONLY

LEGAL INSTRUMENTS ON RIVERS IN INDIA

**VOLUME - I
CONSTITUTIONAL PROVISIONS, CENTRAL LAWS
AND NOTIFICATIONS**



**CENTRAL WATER COMMISSION
NOVEMBER, 1997**

LEGAL INSTRUMENTS
ON
RIVERS IN INDIA

VOLUME - I

CONSTITUTIONAL PROVISIONS, CENTRAL LAWS
AND NOTIFICATIONS

CENTRAL WATER COMMISSION

NOVEMBER, 1997

FOREWORD

Since the beginning of the Plan era, the pace of Water Resources Development in the country has been spectacular. The irrigation potential has increased from 22.6 million hectares to 80 million hectares by the end of the 7th Plan (1989-90). The main thrust of the development is to increase this potential to the assessed ultimate potential of 130 million hectares. Most of the rivers in the country being inter-state, Water Resources Development invariably involves inter-state issues regarding water allocation, sharing of cost and benefits and submergence and rehabilitation problems. Various bilateral and multi-party agreements have earlier been reached but there are many water disputes which are yet to be resolved. The efforts of the Government are directed towards resolving the pending disputes through negotiations failing which as a last resort through tribunals by adjudication.

Earlier, a Compilation of the available interstate and international agreements was brought out by CWC in 1978. A revised updated compilation of these agreements is being brought out. This compilation is now prepared in four volume series "Legal Instruments on Rivers in India" covering constitutional provisions, important notifications under central laws, international agreements and treaties and awards of the water disputes tribunals etc. They will include agreements reached after 1978, as made available by the states and other departments/agencies. The present compilation is Vol. I of the series and gives constitutional provisions regarding water and important Acts, Resolutions and Notifications. Any error or omission may be brought to the notice of CWC.

I sincerely, hope this compilation will serve as a ready reference material and prove beneficial to all users.

New Delhi,
November, 1997.

Ramesh Chandra
(RAMESH CHANDRA)
Chairman, CWC

PREFACE

India has been endowed with abundant Water Resources, through numerous small and large rivers. Of the total geographical area of the country, approximately 95 percent of the area is under international or inter-state river basins. The Water resources development of these rivers takes place within the legal framework of the inter-state rivers. Sufficient familiarity with the legal framework both in its generalities and specifics, are therefore, an essential pre-requisite for Planning, Operation and Management of Water Resources of these rivers.

The basic legal instruments referred to in this context can be classified as :

1. The constitutional provisions relevant to inter-state rivers.
2. Treaties or agreements between India and other countries in regard to development of inter-national rivers/basins.
3. The Laws enacted by the Parliament in connection with the development, use or regulation of inter-state rivers.
4. The awards and the proceedings of the inter-state water disputes tribunals set up by the Central Government.
5. Notifications, Resolutions, Orders etc. issued by the Central Government in pursuance of the Laws or Tribunal awards setting up agencies, machineries or procedures to deal with inter-state rivers from time to time.
6. The various agreements, contracts etc. reached by the State Governments amongst or between themselves, in regard to inter-state rivers. This includes the various agreements amongst or between the princely states and Indian provinces. Similarly, minutes of important inter-state meetings about the inter-state water problems, signed by the concerned parties which reflect agreed decisions.
7. Notifications, resolutions, orders etc. passed by Central Government or State Government, in pursuance of the inter-state agreements setting up agencies machineries or procedures etc. to deal with inter-state rivers.

During 1978, CWC had brought out a compendium on "Agreements on Inter-state and International Rivers" which required updating. The present compilation aims at

both updating the earlier compendium and also at systematically arranging these documents. Accordingly, it is proposed to bring out a series of publications entitled "Legal Instruments on Rivers in India" in the following form:

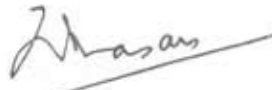
Vol.I	Constitutional provisions
	Central Laws and Notifications
Vol.II	Awards of Inter-state Water Dispute Tribunals
Vol.III	Agreements on Inter-state rivers
Vol.IV	Inter-national agreements and treaties

Vol.I of this series which is being published now consists of extracts from the Constitution of India, River Board Rules, Central Laws and Acts of Parliament and notifications.

While due care has been taken to publish the documents as far as possible without errors, suggestions covering important omissions or corrections, if any, are welcome and would be considered in the further reprints.

I compliment the officers and staff of the ISM Directorate for making concerted efforts in bringing out the Publication.

New Delhi,
November, 1997,


(Z. HASAN)
Member(WP&P)

CONTENTS

	Page
FOREWORD	(iii)
PREFACE	(v)
I. CONSTITUTIONAL PROVISIONS	1
II. CENTRAL LAWS AND ACTS OF PARLIAMENT	
1. The Damodar Valley Corporation Act, 1948	5
2. The River Board Act, 1956	25
3. The River Board Rules, 1958	35
4. Punjab Reorganisation Act, 1966, Part-VIII (Bhakra Nangal & Beas Project)	49
5. Bhakra (Beas) Management Board Rules	55
6. The Betwa River Board Act, 1976	76
7. The Water (Prevention and Control of Pollution) Cess Act, 1977	86
8. The Brahmaputra Board Act, 1980	105
9. Inter-State Water Disputes Act, 1956 as modified upto 31.12.1980	116
10. Forest (Conservation) Act, 1980, with amendments made in 1988.	122
11. Forest Conservation Rules, 1981 (as amended upto May, 1992)	125
12. The Environment (Protection) Act, 1986	134
13. The Water (Prevention and Control of Pollution) Cess (Amendment) Act, 1991	145
14. Notification on Environment (Protection) Rules, 1986	148
III. NOTIFICATIONS, RESOLUTIONS AND ORDERS	
1. Notification-constituting the Tungabhadra Board	156
2. Resolution - Setting up the Rajasthan Canal Board	161
3. Resolution - Setting up Gandak Control Board	166
4. Notification - Setting up Mahi & Control Board	169
5. Resolution - Setting up Bansagar Control Board	173
6. Revision in the formula for sharing the proceeds assessed and collected under the Water (Prevention and Control of Pollution) Cess Act, 1977.	194

CONSTITUTIONAL PROVISIONS

CONSTITUTIONAL PROVISIONS

SEVENTH SCHEDULE

(ARTICLE 246)

LIST I - Union List

56. Regulation and development of inter-state rivers and river valleys to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest.

LIST II - State List

17. Water, that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power subject to the provisions of entry 56 of List. I.

Article 246 Subject - matter of laws made by Parliament and by Legislatures of States -

(1) Notwithstanding anything in clauses (2), and (3) Parliament has exclusive power to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule (in this Constitution referred to as the "Union List").

(2) Notwithstanding anything in clause (3), Parliament, and subject to clause (1), the Legislature of any State * * * also, have power to make laws with respect to any of the matters enumerated in List III in the Seventh Schedule (in this Constitution referred to as the "Concurrent List").

(3) Subject to clauses (1) and (2), the Legislature of any State * * * has exclusive power to make laws for such State or any part thereof with respect to any of the matters enumerated in List II in the Seventh Schedule (in this Constitution referred to as "State List").

(4) Parliament has power to make laws with respect to any matter for any part of the territory of India not included (in a State) notwithstanding that such matter is a matter enumerated in the State List.

Disputes relating to Waters

Article 262 Adjudication of disputes relating to waters of inter-state rivers or river valleys -

(1) Parliament may by law provide for the adjudication of any dispute or complaint with respect to the use, distribution or control of the waters of, or in, any inter-state river or river valley.

(2) Notwithstanding anything in this Constitution, Parliament may by law provide that neither the Supreme Court nor any other court shall exercise jurisdiction in respect of any such dispute or complaint as is referred to in clause (1).

162. Extent of executive power of State

Subject to the provisions of this Constitution, the executive power of a State shall extend to the matters with respect to which the Legislature of the State has power to make laws:

Provided that in any matter with respect to which the Legislature of a State and Parliament have power to make laws, the executive power of the State shall be subject to, and limited by, the executive power expressly conferred by this constitution, or by any law made by Parliament upon the Union or authorities thereof.

OTHER RELEVANT LAWS

248. Residuary powers of legislation - (1) Parliament has exclusive power to make any law with respect to any matter not enumerated in the concurrent List or State List.

254. Inconsistency between laws made by Parliament - and laws made by the Legislatures of States

(1) If any provision of a law made by the Legislature of a State is repugnant to any provision of a law made by Parliament which Parliament is competent to enact, or to any provision of any existing law with respect to one of the matters enumerated in the Concurrent List, then, subject to the provisions of clause (2), the law made by Parliament, whether passed before or after the law made by the Legislature of such State, or, as the case may be, the existing law, shall prevail and the law made by the Legislature of the State shall, to the extent of the repugnancy, be void.

(2) Where a law made by the Legislature of a State * * * with respect to one of the matters enumerated in the Concurrent List contains any provision repugnant to the provisions of an earlier law made by Parliament or an existing law with respect to the matter, then, the law so made by the Legislature of such State shall, if it has been reserved for the consideration of the President and has received his assent, prevail in that State:

Provided that nothing in this clause shall prevent Parliament from enacting at any time any law with respect to the same matter including a law adding to, amending, varying or repealing the law so made by the Legislature of the State.

(1) The executive power of every State shall be so exercised as not to impede or prejudice the exercise of the executive power of the Union, and the executive power of the Union shall extend to the giving of such directions to a State as may appear to the Government of India to be necessary for that purpose.

(2) The executive power of the Union shall also extend to the giving of directions to a State as to the construction and maintenance of means of communication declared in the direction to be of national or military importance.

Provided that nothing in this clause shall be taken as restricting the power of Parliament to declare highways or waterways to be national highways or national waterways or the power of the Union with respect to the highways or waterways so declared or the Power of the Union to construct and maintain means of communication as part of its functions with respect to naval, military and air force works.

(3) The executive power of the Union shall also extend to the giving of directions to a State as to the measures to be taken for the protection of the railways within the State.

(4) Where in carrying out any direction given to a State under Clause (2) as to the construction or maintenance of any means of communication or under clause (3) as to the measures to be taken for the protection of any railway, costs have been incurred in excess of those which would have been incurred in the discharge of the normal duties of the State if such direction had not been given, there shall be paid by the Government of India to the State such sum as may be agreed, or, in default of agreement, as may be determined by an arbitrator appointed by the Chief Justice of India, in respect of the extra costs so incurred by the State.

CENTRAL LAWS AND ACTS OF PARLIAMENT

THE DAMODAR VALLEY CORPORATION ACT, 1948

CONTENTS

PART I INTRODUCTORY

SECTIONS

1. Short title extent and commencement
2. Interpretation

PART II ESTABLISHMENT OF THE CORPORATION

3. Incorporation
4. Constitution of the Corporation
5. Condition of service of members
6. Appointment of officers and servants
7. Conditions of service of officers and servants
8. Functions and duties
9. General disqualification of all officers and servants
10. Appointment of Advisory Committee

PART III FUNCTIONS AND POWERS OF THE CORPORATION GENERAL

11. Limits of Damodar Valley and area of Operation
12. Functions of the Corporation

IRRIGATION OF WATER SUPPLY

13. Provision for irrigation and water supply
14. Rates for supply of water for irrigation
15. Rates for supply of water for industrial and domestic purposes
16. Supply of water to those whose supply has been stopped or reduced
17. Construction of dam, etc., prohibited except with approval of the corporation

SUPPLY AND GENERATION OF ELECTRICAL ENERGY

18. Supply and generation of electrical energy
19. Effort on existing licence
20. Charges for supply of electrical energy

OTHER ACTIVITIES

21. Other activities of the corporation

POWERS

22. General Powers of the Corporation

- 23. Power to close roads and open spaces
- 24. Power under certain other enactments

COOPERATION AND AVOIDANCE OF SUBMISSION

- 25. Cooperation with other authorities to minimise inconvenience caused by submission
- 26. Submersion of coal mines to be avoided by the Corporation

PART IV FINANCE, ACCOUNTS AND AUDIT

SECTIONS

- 27. Expenditure till the Corporation is reestablished
- 28. Vesting of property in the Corporation
- 29. Fund of the Corporation
- 30. Liabilities of the Participating Governments to provide capital to the corporation
- 31. Payment by participating Government on specified date
- 32. Expenditure on objects other than irrigation, Power and Flood Control
- 33. Allocation of expenditure chargeable to project on main objects
- 34. Capital allocated to irrigation
- 35. Capital allocated to power
- 36. Capital allocated to Flood Control
- 37. Disposal of Profits and Deficits
- 38. Payment of Interest
- 39. Interest charges and other expenses to be added to and receipts taken for reduction of capital cost
- 40. Provision for depreciation and reserve and other funds
- 41. Corporation's share in betterment levy by Provincial Government
- 42. Borrowing of money
- 43. Liability to Pay control taxes
- 44. Budget
- 45. Annual Report
- 46. Other Annual Financial Statements
- 47. Accounts and Audit

PART V MISCELLANEOUS

- 48. Directions by the Central Government
- 49. Disputes between the Corporation and the Government
- 50. Compulsory acquisition of land for the Corporation
- 51. Control of Central Government
- 52. Application of certain Provisions of the Indian Forest Act, 1927 to the Forest of the Corporation
- 53. Penalty
- 54. Procedure for prosecution
- 55. Power of entry

- 56. Members, officers and servants of the Corporation to be Public servants
- 57. Protection of action taken under the Act
- 58. Effect of other laws
- 59. Power to make rules
- 60. Power to make regulations

THE SCHEDULE

DAMODAR VALLEY CORPORATION ACT

ACT NO. XIV OF 1948¹

An Act to provide for the establishment and regulation of a Corporation for the development of the Damodar Valley in the Provinces of Bihar and West Bengal.

WHEREAS it is expedient to provide for the establishment and regulation of a Corporation for the development of the Damodar Valley in the Provinces of Bihar and West Bengal.

AND WHEREAS in pursuance of section 103 of the Government of India Act, 1935 (26 Geo. 5, C. 2), resolutions have been passed by all the Chambers of the Provincial Legislatures of the said Provinces to the effect that certain matters dealt with in this Act which are enumerated in the Provincial Legislative List should be regulated in those Provinces by Act of the Dominion Legislature;

It is hereby enacted as follows:-

PART I

INTRODUCTORY

1. SHORT TITLE, EXTENT AND COMMENCEMENT:- (1) This Act may be called the Damodar Valley Corporation Act, 1948.
 - (2) It extends to the Provinces of Bihar and West Bengal.
 - (3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint in this behalf.
2. INTERPRETATION:- In this act, unless there is anything repugnant in the subject or context,-
 - (1) "Corporation" means the Damodar Valley Corporation;
 - (2) "Damodar Valley" includes the basin of the Damodar river and its tributaries;
 - (3) "member" means a member of the Corporation and includes the Chairman;
 - (4) "participating Governments" means the Central Government, the Provincial Government of Bihar and the Provincial Government of West Bengal;
 - (5) "prescribed" means prescribed by rules made under section 59;
 - (6) "Provincial Government" means the Government of Bihar or as the case may be of West Bengal, and "Provincial Governments" means the Governments of Bihar and of West Bengal;
 - (7) "regulations" means the regulations made by the Corporation under Section 60.

PART II

ESTABLISHMENT OF THE CORPORATION

3. INCORPORATION: (1) With effect from such date as the Central Government may, by notification in the official Gazette, appoint in this behalf, there shall be established a Corporation by the name of the Damodar Valley Corporation.

2. The said Corporation shall be a body corporate having perpetual succession and a common seal, and shall by the said name sue and be sued.

¹ The Act received the assent of the Governor General on the 27th March, 1948.

4. CONSTITUTION OF THE CORPORATION.- (1) The Corporation shall consist of a Chairman and two other members appointed by the Central Government after consultation with the Provincial Governments.

(2) A person shall be disqualified for being appointed, or for continuing as a member of the Corporation-

(a) if he is a member of the Central or any Provincial Legislature; Legislature; or

(b) if he has directly or indirectly, any interest in a subsisting contract made with, or in any work being done for, the Corporation except as a shareholder (other than a director) in an incorporated company provided that where he is a shareholder, he shall disclose to the Government the nature and extent of shares held by him in such Company.

(3) No act or proceeding of the Corporation shall be invalid by reason only to the existence of any vacancy amongst its members or any defect in the appointment of a member thereof.

5. CONDITIONS OF SERVICE OF MEMBERS.- (1) Every members shall be a whole time servant of the Corporation.

(2) The remuneration and other conditions of service of the members shall be such as may be prescribed.

6. APPOINTMENT OF OFFICERS AND SERVANTS.- (1) The secretary and the financial adviser of the Corporation shall be appointed by the Central Government.

(2) The secretary shall be the chief executive officer of the Corporation.

(3) The Corporation may appoint such other officers and servants as it considers necessary for the efficient performance of its functions.

7. CONDITIONS OF SERVICE OF OFFICERS AND SERVANTS.- The pay and other conditions of service of the officers and servants of the Corporation shall -

(a) as respects the secretary and financial adviser, be such as may be prescribed; and

(b) as respects the other officers and servants, be such as may be determined by regulations.

8. FUNCTIONS AND DUTIES OF THE FINANCIAL ADVISER.-- The functions and duties of the financial adviser shall be such as may be prescribed.

9. GENERAL DISQUALIFICATION OF ALL OFFICERS AND SERVANTS.- No person who has directly or indirectly, by himself or his partner or agent, any share or interest in any contract, by or on behalf of the Corporation, or in any employment under, by or on behalf of the Corporation otherwise than as an officer or servant thereof, shall become or remain an officer or servant of the Corporation.

10. APPOINTMENT OF ADVISORY COMMITTEE.- Subject to any rules made under section 59 the Corporation may from time to time appoint one or more Advisory Committees for the purpose of securing the efficient discharge of the functions of the Corporation, and in particular for the purpose of securing that those functions are exercised with due regard to the circumstances and requirements of particular local areas.

PART III

FUNCTIONS AND POWERS OF THE CORPORATION

GENERAL

11. LIMITS OF DAMODAR VALLEY AND AREA OF OPERATIONS.- (1) The Central Government shall, by notification in the official Gazette, specify the limits of the Damodar Valley.

(2) The Corporation shall carry out all or any of the functions and exercise all or any of its powers within the Damodar Valley.

(3) The Central Government may, after consultation with the provincial Governments by notification in the official Gazette, direct that the Corporation shall carry out such function and exercise such power in such other area as may be specified therein and the area so specified shall be called the "area of operation" of the Corporation.

12. FUNCTIONS OF THE CORPORATION.- The functions of the Corporation shall be-

- (a) the promotion and operation of schemes for irrigation, water supply and drainage,
- (b) the promotion and operation of schemes for the generation, transmission and distribution of electrical energy, both hydro-electric and thermal,
- (c) the promotion and operation of schemes for flood control in the Damodar river and its tributaries and the Channels, if any, excavated by the Corporation in connection with the scheme and for the improvement of flow conditions in the Hooghly river.
- (d) the promotion and control of navigation in the Damodar river and its tributaries and channels, if any,

- (e) the promotion of afforestation and control of soil erosion in the Damodar Valley, and
- (f) the promotion of public health and the agricultural, industrial, economic and general well-being in the Damodar Valley and its area of operation.

IRRIGATION AND WATER-SUPPLY

13. PROVISION FOR IRRIGATION AND WATER-SUPPLY.- The Corporation may, with the approval of the Provincial Government concerned which shall not be un-reasonably withheld, construct canals and distributaries and maintain and operate them:-

Provided that the Provincial Government may, after giving notice and subject to the payment of fair compensation, take over the maintenance and operation of any such canal or distributary.

14. RATES FOR SUPPLY OF WATER FOR IRRIGATION.- (1) The Corporation may, after consultation with the Provincial Government concerned, determine and levy rates for the bulk supply water to that Government for irrigation, and fix the minimum quantity of water which shall be made available for such purpose.

(2) The rates at which such water shall be supplied by the Provincial Government to the cultivators and other consumers shall be fixed by that Government after consultation with the Corporation.

15. RATES FOR SUPPLY OF WATER FOR INDUSTRIAL AND DOMESTIC PURPOSES:- The Corporation may determine and levy rates for bulk supply and retail distribution of water for industrial and domestic purposes and specify the manner of recovery of such rates.

16. SUPPLY OF WATER TO THOSE WHOSE SUPPLY HAS BEEN STOPPED OR REDUCED:- If, with a view to operating its schemes, the Corporation has stopped or reduced the supply of water to any person for agricultural, industrial or domestic purposes which such person was, prior to such stoppage or reduction, enjoying by virtue of any prescriptive right, the Corporation shall arrange such supply of water on the same terms as before.

17. CONSTRUCTION OF DAM, ETC., PROHIBITED EXCEPT WITH THE APPROVAL OF THE CORPORATION.- Save as otherwise prescribed, no person shall construct, operate or maintain in the Damodar Valley any dam or other work or any installation for the extraction of water without the consent of the Corporation.

(2) Where a licence is deemed to have been revoked under sub-section (1) the Corporation shall purchase the undertaking of the licensee, and where a licence is modified under that sub-section, the Corporation shall, at the option of the licensee, either purchase the undertaking or pay fair compensation to the licensee.

(3) The purchase price or the amount of compensation payable by the Corporation under sub-section (2) shall be such as may be agreed to between the Corporation and the licensee or, in the event of disagreement, as may be determined by arbitration.

20. CHARGES FOR SUPPLY OF ELECTRICAL ENERGY.- The Corporation shall fix the schedule of charges for the supply of electrical energy, including the rates for bulk supply and retail distribution, and specify the manner of recovery of such charges:

Provided that the Corporation may in any contract for bulk supply of electrical energy impose such terms and conditions including a retail rate schedule as it may deem necessary or desirable to encourage the use of electrical energy.

OTHER ACTIVITIES

21. OTHER ACTIVITIES OF THE CORPORATION.- (1) The Corporation may establish, maintain and operate laboratories, experimental and research stations and farms for conducting experiments and research for-

- (a) utilising the water, electrical energy and other resources in the most economical manner for the development of the Damodar Valley,
- (b) determining the effect of its operations on the flow conditions in the Hooghly river,
- (c) making improvements in navigation conditions in the port of Calcutta, and
- (d) carrying out any other function specified under section 12.

(2) The Corporation may set up its own planning, designing, construction and operating agencies, or make arrangements therefore with the Participating Governments, local authorities, educational and research institutions or any person carrying on the business of an architect, an engineer or a contractor.

POWERS

22. GENERAL POWERS OF THE CORPORATION.- (1) The Corporation shall have the power to do anything which may be necessary or expedient for the purposes of carrying out its functions under this Act.

(2) Without prejudice to the generality of the foregoing provision, such power shall include the power-

- (a) to acquire and hold such movable and immovable property as it may deem necessary and to lease, sell or otherwise transfer any such property;
- (b) to construct or cause to be constructed such dams, barrages, reservoirs, power houses, power structures, electrical transmission lines and sub-stations, navigation works, irrigation, navigation and drainage canals and such other works and structures as may be required;
- (c) to prevent pollution of any water under its control and to take all measures to prevent discharges into such water effluents which are harmful to water supply, irrigation, public health or fish life;
- (d) to stock its reservoirs or water courses with fish and to regulate or prohibit taking out fish from the water under its control;
- (e) to undertake resettlement of the population displaced by the dams, acquisition of land for reservoirs and protection of watersheds;
- (f) to aid in the establishment of co-operative societies and other organisations for the better use of facilities made available by the Corporation;
- (g) to undertake measures for the prevention of malaria.

23. POWER TO CLOSE ROADS AND OPEN SPACES.- (1) The Corporation may, after giving notice to the persons concerned or to the public generally,-

- (a) turn, divert or discontinue the public use of, or permanently close, any road or any part thereof, or
- (b) discontinue the public use of, or permanently close, any open space or any part thereof.

(2) Whenever the Corporation discontinues the public use of, or permanently closes, any road or open space, the Corporation shall pay reasonable compensation to every person-

- (a) who was entitled, otherwise than as a licensee, to use such road or open space or part thereof as a means of access, or

- (b) whose immovable property was receiving air and light on account of such open space or part, and who has suffered damage-
 - (i) in any case falling under clause (a) from such discontinuance or closure and
 - (ii) in any case falling under clause (b) from the use to which the Corporation has put such open space or part.
 - (3) In determining the compensation payable to any person under sub-section (2), the Corporation may take into consideration any benefit accruing to such person from the construction, provisions or improvement or any other road, or open space at or about the same time that the road or open space or part thereof, on account of which the compensation is to be paid, is discontinued or closed.
 - (4) When any road or open space or any part thereof is permanently closed under sub-section (1), the Corporation may sell or leave such part if as is not required for its purposes.
24. POWERS UNDER CERTAIN OTHER ENACTMENTS.- (1) Notwithstanding anything contained in the Acts specified in column one of Part I of the Schedule, the Corporation may carry out all or any of the functions and exercise all or any of the powers of a Provincial Government in the Damodar Valley under the provisions of such Acts specified in column two thereof against each item of column one.
- (2) Notwithstanding anything contained, in the Acts specified in column one of Part II of the Schedule, any officer authorised by the Corporation may carry out all or any of the functions and exercise all or any of the powers of a Canal Officer, Collector, or Forest Officer, as the case may be, in the Damodar Valley under the provisions of such Acts specified in column two thereof against each item of column one.

CO-OPERATION AND AVOIDANCE OF SUBMERSION

25. CO-OPERATION WITH OTHER AUTHORITIES TO MINIMISE INCONVENIENCE CAUSED BY SUBMERSION.- The Corporation shall co-operate with the participating Governments, railway authorities and local authorities and bodies, with a view to minimising the inconvenience likely to be caused by the submersion of roads and communications and shall bear the cost of any realignment thereof or resettlement of any population rendered necessary by such submersion.
26. SUBMERSION OF COAL MINES TO BE AVOIDED BY THE CORPORATION.- The Corporation shall make every endeavour to avoid submersion of coal or mineral deposits and shall co-operate with the coal mining industry and the bodies set up by the Participating Governments to ensure the maintenance of supplies of sand for stowing purposes in coal mines and in other ways to minimise the inconvenience to the coal mining industry.

PART IV

FINANCE, ACCOUNTS AND AUDIT

27. EXPENDITURE TILL THE CORPORATION IS ESTABLISHED.- All expenditure incurred by the Central Government for and in connection with the establishment of the Corporation up to the date of its establishment shall be treated as the capital provided by the Central Government to the Corporation and such capital shall be adjusted between the Participating Governments in accordance with the provisions of sections 30 to 36.

28. VESTING OF PROPERTY IN THE CORPORATION.- All property acquired and works constructed for the purposes of the Damodar Valley scheme before the establishment of the Corporation shall vest in the Corporation and all income derived and expenses incurred in this behalf shall be brought into the books of the Corporation.

29. FUND OF THE CORPORATION.- (1) The Corporation shall have its own fund and all receipts of the Corporation shall be carried thereto and all payments by the Corporation shall be made therefrom.

(2) Except as otherwise directed by the Central Government, all moneys belonging to that fund shall be deposited in the Reserve Bank of India or the Agents of the Reserve Bank of India or invested in such securities as may be approved by the Central Government.

30. LIABILITIES OF PARTICIPATING GOVERNMENTS TO PROVIDE CAPITAL TO THE CORPORATION.- The Participating Governments shall, as hereinafter specified provide the entire capital required by the Corporation for the completion of any project undertaken by it.

31. PAYMENT BY PARTICIPATING GOVERNMENT ON SPECIFIED DATE:- Each Participating Government shall provide its share of the capital on the dates specified by the Corporation and if any Government fails to provide such share on such dates the Corporation may raise loan to make up the deficit at the cost of the Government concerned.

32. EXPENDITURE ON OBJECTS OTHER THAN IRRIGATION, POWER AND FLOOD CONTROL.- The Corporation shall have power to spend such sums as it thinks fit on objects authorised under this Act other than irrigation, power and flood control and such sums shall be treated as common expenditure payable out of the Fund of the Corporation before allocation under section 33.

33. ALLOCATION OF EXPENDITURE CHARGEABLE TO PROJECT ON MAIN OBJECTS.- The total capital expenditure chargeable to a project shall be allocated between the three main objects, namely, irrigation, power and flood control as follows, namely:-

- (1) expenditure solely attributable to any of these objects, including a proportionate share of overhead and general charges, shall be charged to that object, and

- (2) expenditure common to two or more of the said objects, including a proportionate share of overhead and general charges, shall be allocated to each of such objects in proportion to the expenditure which, according to the estimates of the Corporation, would have been incurred in constructing a separate structure solely for that object, less any amount determined under clause (1) in respect of that object.

34. CAPITAL ALLOCATED TO IRRIGATION.- The total amount of capital allocated to irrigation shall be shared between the Provincial Governments as follows, namely:-

- (1) the Government concerned shall be responsible for the capital cost of the works constructed exclusively for irrigation in its Province; and
- (2) the balance of capital cost under irrigation for both the Provinces of Bihar and West Bengal shall be shared by the Provincial Governments in the proportion to their guaranteed annual off-takes of water for agricultural purposes:

Provided that the divisible capital cost under this clause shall be provisionally shared between them in accordance with their previously declared intentions regarding their respective guaranteed off-takes and any payments made accordingly shall be adjusted after the determination of the guaranteed off-takes.

35. CAPITAL ALLOCATED TO POWER.- The total amount of capital allocated to power shall be shared equally between the three Participating Governments.

36. CAPITAL ALLOCATED TO FLOOD CONTROL.- The total amount of capital up to fourteen crores of rupees allocated to flood control shall be shared equally between the Central Government and the Government of West Bengal and any amount in excess thereof shall be the liability of the Government of West Bengal.

37. DISPOSAL OF PROFITS AND DEFICITS.- (1) Subject to the provisions of sub-section (2) of section 40, the net profit, if any, attributable to each of the three main objects, namely, irrigation, power and flood control, shall be credited to the Participating Governments in proportion to their respective shares in the total capital cost attributed to that object.

(2) The net deficit, if any, in respect of any of the objects shall be made good by the Governments concerned in the proportion specified in sub-section (1):

Provided that the net deficit in respect of flood control shall be made good entirely by the Government of West Bengal and the Central Government shall have no share in such deficit.

38. PAYMENT OF INTEREST.- The Corporation shall pay interest on the amount of capital provided by each Participating Government at such rate as may, from time to time, be fixed by the Central Government and such interest shall be deemed to be part of the expenditure of the Corporation.

39. INTEREST CHARGES AND OTHER EXPENSES TO BE ADDED TO AND RECEIPTS TAKEN FOR REDUCTION OF CAPITAL COST.- For, a period, not exceeding fifteen years, from the establishment of the Corporation, if the Corporation runs in deficit, the interest charges and all other expenditure shall be added to the capital cost and all receipt shall be taken in reduction of such capital cost.

40. PROVISION FOR DEPRECIATION AND RESERVE AND OTHER FUNDS.- (1) The Corporation shall make provision for depreciation and for reserve and other funds at such rates and on such terms as may be specified by the Auditor General of India in consultation with the Central Government.

(2) The net profit for the purposes of section 37 shall be determined after such provision has been made.

41. CORPORATION'S SHARE IN BETTERMENT LEVY BY PROVINCIAL GOVERNMENTS.- In the event of any betterment levy being imposed by a Provincial Government, the proportionate proceeds thereof in so far as they are attributable to the operations of the Corporation shall be credited to the Corporation.

42. BORROWING OF MONEY.- The Corporation may, with the approval of the Central Government, borrow money in the open market or otherwise for the purposes of carrying out its functions under this Act.

43. LIABILITY TO PAY CENTRAL TAXES.- (1) The Corporation shall be liable to pay any taxes on income levied by the Central Government in the same manner and to the same extent as a company.

(2) The Provincial Governments shall not be entitled to any refund of any such taxes paid by the Corporation.

44. BUDGET.- (1) The Corporation, in consultation with the financial adviser shall in October each year prepare in such form as may be prescribed a budget for the next financial year showing the estimated receipts and expenditure and the amounts which would be required from each of the three Participating Governments during that financial year.

(2) Printed copies of the budget shall be made available to each of the three Participating Governments by the 15th day of November each year.

(3) The budget shall be laid before the Central and the Provincial Legislatures concerned as soon as may be after it is prepared.

45. ANNUAL REPORT.- (1) The Corporation shall prepare, in such form as may be prescribed, an annual report within six months after the end of each financial year giving a true and faithful account of its activities during the previous financial year, with particular reference to-

- (i) irrigation;
- (ii) water supply;
- (iii) electrical energy;
- (iv) flood control;
- (v) navigation;
- (vi) afforestation;
- (vii) soil erosion;
- (viii) use of lands;
- (ix) resettlement of displaced population;
- (x) sanitation and public health measures; and
- (xi) economic and social welfare of the people.

(2) The annual report shall also give a true and faithful account of the income and expenditure during the previous financial year, the net amounts attributable to each of the three main objects and the distribution of the capital cost between the three Participating Governments and show the progressive totals from the inception of the Corporation and the up to date financial results.

(3) The payments provisionally made by each of the three Participating Governments on the basis of the budget estimates shall be adjusted as soon as possible in accordance with the allocation made in the annual report.

(4) Printed copies of the annual report shall be made available to each of the three Participating Governments by the 15th day of October each year.

(5) The annual report shall be laid before the Central and the Provincial Legislatures concerned as soon as may be after it is prepared.

46. OTHER ANNUAL FINANCIAL STATEMENTS.- (1) The Corporation shall also prepare such other annual financial statements in such form and by such dates as may be prescribed.

(2) Printed copies of each such annual financial statement shall be made available to each of the three Participating Governments by such date as may be prescribed.

47. ACCOUNTS AND AUDIT.- The accounts of the Corporation shall be maintained and audited in such manner as may, in consultation with the Auditor General of India, be prescribed.

PART V

MISCELLANEOUS

48. DIRECTIONS BY THE CENTRAL GOVERNMENT.- (1) In discharge of its functions the Corporation shall be guided by such instructions on questions of policy as may be given to it by the Central Government.

(2) If any dispute arises between the Central Government and the Corporation as to whether a question is or is not a question of policy, the decision of the Central Government shall be final.

49. DISPUTES BETWEEN THE CORPORATION AND GOVERNMENTS.- (1) Save as otherwise expressly provided in this Act, any dispute between the Corporation and any Participating Government regarding any matter covered by this Act or touching or arising out of it shall be referred to an arbitrator who shall be appointed by the Chief Justice of India.

(2) The decision of the arbitrator shall be final and binding on the parties.

50. COMPULSORY ACQUISITION OF LAND FOR THE CORPORATION.- Any land required by the Corporation for carrying out its functions under this Act shall be deemed to be needed for a public purpose and such land shall be acquired for the Corporation as if the provisions of Part VII of the Land Acquisition Act, 1894 (I of 1894) were applicable to it and the Corporation were a company within the meaning of clause (e) of section 3 of the said Act.

51. CONTROL OF CENTRAL GOVERNMENT.- (1) The Central Government may remove from the Corporation any member who in its opinion-

- (a) refuses to act,
- (b) has become incapable of acting,
- (c) has so abused his position as a member as to render his continuance on the Corporation detrimental to the interest of the public, or
- (d) is otherwise unsuitable to continue as member.

(2) The Central Government may suspend any member pending an enquiry 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 and another member may be appointed under section 4 to fill up the vacancy.

(4) A member who has been removed shall not be eligible for reappointment as member or in any other capacity to the Corporation.

(5) The Central Government may declare void any transaction in connection with which a member has been removed under sub-section (1).

(6) If the Corporation fails to carry out its functions, or follow the directions issued by the Central Government under this Act, the Central Government shall have the power to remove the Chairman and the members of the Corporation and appoint a Chairman and members in their places.

52. APPLICATION OF CERTAIN PROVISIONS OF THE INDIAN FOREST ACT, 1927, TO THE FORESTS OF THE CORPORATION.- All acts prohibited in respect of a reserved forest under section 26 of the Indian Forest Act, 1927 (XVI of 1927) shall be deemed to be prohibited in respect of any forest owned by or under the supervision or control of the Corporation and all offences in respect of such forest shall be punishable under the said Act as if they were committed in respect of a reserved forest.

53. PENALTY.- Whoever contravenes the provisions of Sections 17 and 18 of this Act or any rule made thereunder shall be punished with imprisonment for a term which may extend to six months or with fine or with both.

54. PROCEDURE FOR PROSECUTION.- No Court shall take cognisance of an offence under this Act except on the complaint of an officer or the Corporation authorised by it in this behalf.

55. POWER OF ENTRY.- Any officer or servant of the Corporation generally or specially authorised by the Corporation may at all reasonable times enter upon any land or premises and there do such things as may be reasonably necessary for the purpose of lawfully carrying out any of its works or of making any survey, examination or investigation preliminary or incidental to the exercise of powers or the performance of functions by the Corporation under this Act.

56. MEMBERS, OFFICERS AND SERVANTS OF THE CORPORATION TO BE PUBLIC SERVANTS.- All members, officers, and servants of the Corporation, whether appointed by the Central Government or the Corporation, 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 (XLV of 1860).

57. PROTECTION OF ACTION TAKEN UNDER THE ACT.- (1) No suit, prosecution, or legal proceeding shall lie against any person in the employment of the Corporation for anything which is in good faith done or purported to be done under this Act.

(2) Save as otherwise provided in the Act no suit or other legal proceeding shall lie against the Corporation for any damage caused or likely to be caused by anything in good faith done or purported to be done under this Act.

58. EFFECT OF OTHER LAWS.- The provisions of this Act or any rule made thereunder shall have effect notwithstanding anything contained in any enactment other than this Act or any instrument having effect by virtue of any enactment other than this Act.

59. POWER TO MAKE RULES.- The Central Government may, by notification in the official Gazette, make rules to provide for all or any of the following matters namely:-

- (1) the salaries and allowances and conditions of service of members, the secretary and the financial adviser;
- (2) the functions and duties of the financial adviser;
- (3) the dams or other works or the installations which may be constructed without the approval of the Corporation;
- (4) the forms of the budget, the annual report and the annual financial statements and the dates by which copies of the annual financial statements shall be made available to the Participating Governments;
- (5) the manner in which the accounts of the Corporation shall be maintained and audited;
- (6) the appointment of an Advisory Committee; and
- (7) the punishment for breach of any rule made under this Act.

60. POWER TO MAKE REGULATIONS.- (1) The Corporation may, with the previous sanction of the Central Government, by notification in the Gazette of India, make regulations for carrying out its functions under this Act.

(2) In particular and without prejudice to the generality of the foregoing power in such regulation the Corporation may make provision for-

- (a) making of appointments and promotions of its officers and servants;
- (b) specifying other conditions of service of its officer and servants;
- (c) specifying the manner in which water rates and charges for electrical energy shall be recovered;
- (d) preventing the pollution of water under its control;
- (e) regulating the taking out of fish from the water under its control;
- (f) regulating its proceedings and business;
- (g) prescribing punishment for breach of any regulation;

(3) All regulations made under sub-sections (1) and (2) shall, as soon as possible, be published also in the official Gazettes of the Provincial Governments.

THE SCHEDULE
(SEE SECTION 24)
PART I

Acts	Provisions of the Acts specified in column (1)
1.	2.
1. The Canals Act, 1864 (Ben. Act V of 1864)	Section 6 (Power of Provincial Government to fix and alter rates of tolls). section 8 (Power of Provincial Government to appoint persons to collect tolls who may form collection).
2. The Indian Forest Act, 1927 (XVI of 1927)	Section 35 (Protection of Forests for special purposes). Section 36 (Power to assume management of forests).

THE SCHEDULE
(SEE SECTION 24)
PART II

Acts	Provisions of the Acts specified in column (1)
1	2
1. The Bengal Irrigation Act, 1876 (Ben. Act III of 1876)	Part III (Power of the maintenance of canals). Section 41 of Part IV (Power of Canal Officer to issue notice to person causing obstruction). Section 42 of Part IV (Power of Canal Officer to cause obstructions to be removed).
2. The Bengal Embankment Act, 1882 (Ben. Act II of 1882).	Part II (Powers of Collector and procedure thereon). Part III (Powers of Collector in cases of imminent danger to life or property).
3. The Indian Forest Act, 1927 (XVI of 1927).	Section 36 (Power to assume management of forests).

THE RIVER BOARDS ACT, 1956

No.49 OF 1956
(12th September, 1956)

An Act provide for the establishment of River Boards for the regulation and development of inter-State rivers and river valleys.

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:-

CHAPTER I PRELIMINARY

1. (1) This Act may be called the River Boards Act, 1956;
(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. It is hereby declared that it is expedient in the public interest that the Central Government should take under its control the regulation and development of inter-State rivers and river valleys to the extent hereinafter provided.
3. In this Act, unless the context otherwise requires,--
 - (a) "Board" means a River Board established under section 4;
 - (b) "Governments interested", in relation to a Board, means the Governments of those States which, in the opinion of the Central Government, are likely to be interested in, or affected by, the functions of the Board under this Act;
 - (c) "Member" means a member of a Board and includes its Chairman;
 - (d) "prescribed" means prescribed by rules made under this Act.

CHAPTER II
ESTABLISHMENT OF RIVER BOARDS

4. (1) The Central Government may, on a request received in this behalf from a State Government or otherwise, by notification in the Official Gazette, establish a River Board for advising the Governments interested in relation to such matters concerning the regulation or development of an inter-State river or river valley or any specified part thereof and for performing such other functions as may be specified in the notification, and different Boards may be established for different inter-State rivers or river valleys:

Provided that no such notification shall be issued except after consultation with the Governments interested with respect to the proposal to establish the Board, the persons to be appointed as members thereof and the functions which the Board may be empowered to perform.

(2) A Board may be established under such name as may be specified in the notification under sub-section(1).

(3) Every Board so established shall be a body corporate having perpetual succession and a common seal, and shall by the said name sue and be sued.

(4) Every Board shall exercise its jurisdiction within such limits of the river (including its tributaries, if any) or river valley as may be specified in the notification under sub-section (1) and the area so specified shall be called the area of operation of the Board.

5. (1) The Board shall consist of a Chairman and such other members as the Central Government thinks fit to appoint.

(2) A person shall not be qualified for appointment as a member unless, in the opinion of the Central Government, he has special knowledge and experience in irrigation, electrical engineering, flood control, navigation, water conservation, soil conservation, administration or finance.

6. (1) A member shall, unless his appointment is terminated earlier by the Central Government, hold office for such period as may be notified in this behalf by the Central Government in the Official Gazette and shall, on the expiry of the term of his Office, be eligible for re-appointment.

(2) A member may resign his office by writing under his hand addressed to the Central Government, but he shall continue in office

until the appointment of his successor is notified in the Official Gazette,

(3) A casual vacancy created by the resignation of a member under sub-section (2) or for any other reason shall be filled by fresh appointment.

(4) A member may be appointed either as a whole-time or part-time member as the Central Government thinks fit.

(5) The terms and conditions of service of the Chairman and other members shall be such as may be prescribed.

7. If any member is by infirmity or otherwise rendered temporarily incapable of carrying out his duties or is absent on leave or otherwise in circumstances not involving the vacation of his appointment, the Central Government may appoint another person to act in his place.

8. The Board shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be provided by regulations made under this Act.

9. No act or proceeding of the Board shall be deemed to be invalid by reason only of the existence of any vacancy in the Board or any defect in the appointment of a member thereof.

10. The Board may, from time to time, appoint one or more advisory committee or committees for the purpose of enabling it to carry out its functions under this Act.

11. (1) The Board may be associate with itself in such manner and for such purposes as may be determined by regulations made under this Act any person whose assistance or advice it may desire in performing any of its functions under this Act,

(2) A person associated with the Board under sub-section (1) for any purpose shall have a right to take part in the discussions of the Board relevant to that purpose, but shall not have a right to vote at a meeting of the Board, and shall not be a member for any other purpose.

12. Subject to such rules as may be made by the Central Government in this behalf, the Board may, for the purpose of enabling it to efficiently perform its functions or exercise its powers under this Act, appoint such officers as it may think fit and determine their functions and terms and conditions of service.

CHAPTER-III

POWER AND FUNCTIONS OF THE BOARD

13. A Board may be empowered under sub-section (1) of section 14 to perform all or any of the following functions, namely:

(a) advising the Governments interested on any matter concerning the regulation or development of any specified inter-State river or river valley within its area of operation and in particular, advising them in relation to the co-ordination of their activities with a view to resolve conflicts among them and to achieve maximum results in respect of the measures under-taken by them in the inter-State river or river valley for the purpose of

- (i) conservation, control and optimum utilisation of water resources of the inter-State river;
- (ii) promotion and operation of schemes for irrigation, water supply or drainage;
- (iii) promotion and operation of schemes for the development of hydro-electric power;
- (iv) promotion and operation of schemes for flood control;
- (v) promotion and control of navigation;
- (vi) promotion of afforestation and control of soil erosion;
- (vii) prevention of pollution of the waters of the inter-State river;
- (viii) such other matters as may be prescribed;

(b) preparing schemes, including multi-purpose schemes, for the purpose of regulating or developing the inter-State river or river valley and advising the Governments interested to undertake measures for executing the scheme prepared by the Board;

(c) allocating among the Governments interested the costs of executing any scheme prepared by the Board and of maintaining any works undertaken in the execution of the scheme;

(d) watching the progress of the measures undertaken by the Governments interested;

(e) any other matter which is supplemental, incidental or consequential to any of the above functions.

14. (1) The Central Government, after consultation with the Governments interested, may, by notification in the Official Gazette, empower the Board to perform all or such of the functions under section 13 as may be specified in the notification.

(2) The Board shall exercise its powers and perform all the functions which it is empowered to do by or under this Act within its area of operation.

(3) In performing its functions under this Act, the Board shall consult the Governments interested at all stages and endeavour to secure, as far as may be practicable, agreement among such Governments.

15. (1) Where any Board has been empowered to perform functions under clause (b) of section 13, the Board may, from time to time, prepare schemes, not inconsistent with its functions under this Act, for the purpose of regulating or developing any inter-State river or river valley within its area of operation.

(2) After preparing any such scheme, the Board shall consult the Governments interested and the Central Government in respect of the scheme and after considering their suggestions, if any, the Board may confirm, modify or reject the scheme.

(3) The scheme as confirmed or modified under sub-section (2) shall thereupon become final and shall be called the approved scheme.

(4) Before any scheme is approved, the Board shall take into account the costs likely to be incurred in undertaking measures for executing the scheme and in maintaining any works to be undertaken in the execution of the scheme and the costs shall be allocated among the Governments interested in such proportion as may be agreed or, in default of agreement, as may be determined by the Board having a regard to the benefits which will be received from the scheme by them.

(5) Every approved scheme shall be forwarded to the Governments interested and the Board may advise them to undertake measures for executing the scheme and a copy of the approved scheme shall also be forwarded to the Central Government.

(6) The Central Government may, on a request received in this behalf from any Government interested or otherwise, assist the Governments interested in taking such steps as may be necessary for the execution of the scheme.

16. For the purpose of efficiently performing its functions under this Act, every Board may, within its area of operation, --

- (a) acquire, hold and dispose of such property, both movable and immovable, as it deems necessary;
- (b) undertake such preliminary investigation or surveys or other measures as it deems necessary;

- (c) inspect or cause to be inspected any works undertaken by any Government interested concerning the regulation or development of the inter-State river or river valley;
- (d) conduct and co-ordinate research on various aspects of the conservation, regulation or utilisation of water resources, such as water power generation, irrigation, navigation, flood control, soil conservation, land use and connected structural and design features;
- (e) collect such topographical, meteorological, hydrological and sub-soil water data as it deems necessary;
- (f) publish statistics or other information relating to the various aspects of the regulation or development of the inter-State river or river valley;
- (g) require any Government interested to furnish such information as the Board may require in relation to -
 - (i) the measures undertaken by that Government for the regulation or development of the inter-State river or river valley;
 - (ii) the topographical, meteorological, hydrological and sub-soil water data;
 - (iii) such other matters as may be prescribed.

17. The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Board in each financial year such sums as the Central Government may consider necessary for the performance of the functions of the Board under this Act.

18. (1) The Board shall have its own fund, and all sum which may, from time to time, be paid to it by the Central Government or a State Government and all other receipts of the Board shall be carried to the fund of the Board and all payments by the Board shall be made therefrom.

(2) The Board may expend such sums as it thinks fit for performing its functions under this Act, and such sums shall be treated as expenditure payable out of the fund of the Board.

19. The Board shall prepare, in such form and at such time each year as may be prescribed, a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure, and copies thereof shall be forwarded to the Central Government and the Governments interested.

20. The Board shall prepare, in such form and at such time each year as may be prescribed, an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the Central Government and the Governments interested; and the Central Government shall cause every such report to be laid before both Houses of Parliament.

21. (1) The Board shall cause to be maintained such books of account and other books in relation to its accounts in such form and in such manner as may be prescribed.

(2) The accounts of the Board shall be audited at such time and in such manner as may be prescribed.

CHAPTER IV

MISCELLANEOUS

22. (1) Where any dispute or difference arises between two or more Governments interested with respect to—

- (a) any advice tendered by the Board under this Act;
 - (b) any measures undertaken by any Government interested in pursuance of any advice tendered by the Board;
 - (c) the refusal or neglect of any Government interested to undertake any measures in pursuance of any advice tendered by the Board;
 - (d) the sharing of benefits or financial liabilities arising out of any advice tendered by the Board;
 - (e) any other matter covered by this Act or touching or arising out of it,
- any of the Governments interested may, in such form and in such manner as may be prescribed, refer the matter in dispute to arbitration.

(2) The arbitrator shall be a person to be appointed in this behalf by the Chief Justice of India from among persons who are, or have been, Judges of the Supreme Court or are Judges of a High Court.

(3) The arbitrator may appoint two or more persons as assessors to assist him in the proceeding before him.

(4) The decision of the arbitrator shall be final and binding to the parties to the dispute and shall be given effect to by them.

(5) Nothing in the Arbitration Act, 1940, shall apply to arbitrations under this section.

23. The Board shall furnish to the Central Government such returns, statistics, accounts and other information with respect to its fund or activities as the Central Government may from time to time require.

24. The Board may, by general or special order in writing, delegate to the Chairman or any other member or any officer of the Board, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under this Act as it may deem necessary for the efficient running of the day-to-day administration of the Board.

25. All members and officers of a Board shall, when acting or purporting to act in pursuance of any of the provisions of this Act, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

26. No suit or other legal proceeding shall lie against any member or officer of a Board in respect of anything which is in good faith done or intended to be done in pursuance of this Act.

27. (1) When the Central Government is of opinion that a Board has performed its functions under this Act, the Central Government, after consultation with the Governments interested, may, by notification in the Official Gazette, declare that the Board shall be dissolved from such date as may be specified in this behalf in such notification; and the Board shall be deemed to have been dissolved accordingly.

(2) On the dissolution of the Board by a notification under sub-section (1), -

(a) all properties, funds and dues which are vested in, or realisable by, the Board shall vest in, and be realisable by, such Government or authority as may be specified in the said notification; and

(b) all liabilities which are enforceable against the Board shall be enforceable only against the Government or authority specified in the said notification.

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

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

- (a) the salaries, allowances and conditions of service of members of the Board;
- (b) the matters in respect of which a Board may tender advice to the Governments interested under sub-clause (viii) of clause (a) of section 13;
- (c) the matters in respect of which the Board may require a Government interested to furnish information;
- (d) the manner in which the Central Government may assist the Governments interested to execute any scheme prepared by the Board;
- (e) the form in which, and the time within which, the budget and annual report of the Board may be prepared and forwarded to the Central Government and the Governments interested;
- (f) the form and manner in which the accounts of the Board may be maintained, and the time at which, and the manner in which, such accounts may be audited;
- (g) the returns and information which the Board may be required to furnish to the Central Government;
- (h) the form and manner in which a dispute may be referred to arbitration under this Act;
- (i) the procedure to be followed in arbitration proceedings under this Act;
- (j) the manner of recruitment of the officers of a Board and the terms and conditions of service of such officers;
- (k) any other matter which has to be, or may be, prescribed.

(3) All rules made under this section shall, as soon as practicable after they are made, be laid before both Houses of Parliament.

29. The Board may, with the previous approval of the Central Government, by notification in the Gazette of India, make regulations, not inconsistent with this Act or the rules made thereunder-

- (a) regulating the meetings of the Board and the procedure for conducting business thereat;

- (b) regulating the manner in which, and the purposes for which, advisory committees may be appointed;
- (c) regulating the manner in which and the purposes for which persons may be associated with the Board under section 11;
- (d) determining the terms and conditions of service of the members of advisory committees, of persons associated with the Board under section 11 and of all officers appointed by the Board.

THE RIVER BOARD RULES, 1958

MINISTRY OF IRRIGATION AND POWER

NOTIFICATION

New Delhi, the 27th August 1958

G.S.R. 813 - In exercise of the powers conferred by section 28 of the River Boards Act, 1956 (49 of 1956), the Central Government hereby makes the following rules, namely:-

THE RIVER BOARDS RULES, 1958

PART I - Preliminary

1. SHORT TITLE.- These rules may be called the River Boards Rules, 1958.
2. DEFINITIONS.- In these rules, unless the context otherwise requires,
 - (1) "the Act" means the River Boards Act, 1956 (49 of 1956);
 - (2) "Government servant" means a person serving in connection with the affairs of the Union or of a State;
 - (3) "section" means a section of the Act.

PART II Salaries, Allowances and conditions of service of members of the Board.

3. SALARIES -The salaries of members shall be such as may be determined in each case by the Central Government.
4. TERMINATION OF SERVICES. The Central Government may, if it thinks fit, by order in writing, terminate the appointment of any member before the expiry of the term of his office:

Provided that before issuing any such order, the Central Government shall, having regard to the circumstances of the case, give such notice not exceeding three months, to the person concerned, as it considers reasonable.

5. LEAVE AND LEAVE SALARIES -(1) Every whole-time member who is not a Government servant shall be entitled to leave and leave salary, on such terms and conditions as are admissible to temporary central Government servants under the Revised Leave Rules 1933.
 - (2) The authority to grant leave to a member shall be the Central Government.
6. TRAVELLING ALLOWANCES - (1) Members shall be entitled to travelling allowances for journeys performed for the purposes of the Board, on the scale provided for under the Fundamental and Supplementary Rules applicable to the grade of officers to which the Central Government may declare them to correspond in status.
 - (2) No journey shall be performed by a member for the purposes of the Board, outside the area of its operation, without its prior approval.
 - (3) The Chairman shall be the controlling officer in respect of his own travelling allowance bills as well as those of other members.

7. CONTRIBUTORY PROVIDENT FUND - Whole-time members who are not-

- (i) Government servants; or
- (ii) Re-employed persons who are in receipt of any retirement benefit from Government in the form of pension or contributory provident fund, shall be entitled to the benefits of the contributory provident fund which may be established by the Board for its own officers:

Provided that the Board's contribution to such fund shall not, at any time, exceed the rate at which the Central Government makes contribution to the contributory provident fund of its own employees.

8. MEDICAL FACILITIES - (1) Whole-time members shall be entitled to such medical facilities as are applicable to the grade of officers to which the Central Government may declare them to correspond in status.

(2) The Chairman shall be the controlling officer in respect of his own medical bills as well as those of other members.

9. CONDITIONS OF SERVICE OF MEMBERS WHO ARE GOVERNMENT SERVANTS - The salaries, allowances and conditions of service of members who are Government servants shall, notwithstanding anything contained in rules 3 to 8, be such as may be determined in each case by the Central Government.

10. SALARIES, ALLOWANCES, ETC. TO BE MET FROM THE BOARD'S FUND.- The salaries, allowances and leave and other contributions of the members shall be met from the fund of the Board.

PART-III- Matters in respect of which the Board may tender advice to the Governments interested.

11. MATTERS ON WHICH BOARD MAY ADVISE GOVERNMENTS INTERESTED - The Board may tender advice to the Governments interested in relation to the co-ordination of their activities with a view to achieving maximum results in respect of the measures undertaken by them in the inter-State river or river valley for the purpose of-

- (a) promotion and operation of schemes for reclamation of land;
- (b) operation and control of devices for distribution of river supplies according to the agreed share.

PART IV- Matters in respect of which the Board may require a Government interested to furnish information.

12. POWER TO CALL FOR INFORMATION - For the purpose of efficiently performing its functions under the Act, within its area of operation, the Board may require any Government interested to furnish such information as the Board thinks fit in respect of the following matters, namely:-

- (a) geological data in relation to the inter-State river or river valley within its area of operation;

- (b) the results of any research and investigations undertaken by the Governments interested or the Electricity Boards within the States concerned, with respect to the conservation, regulation or utilisation of water resources, such as water power generation, irrigation, navigation, flood control, soil conservation, geological examination, land use and connected structural and design features.

PART V The Manner in which the Central Government may assist the Governments interested to execute any scheme prepared by the Board.

13. CENTRAL GOVERNMENT'S ASSISTANCE TO GOVERNMENTS INTERESTED. The Central Government may, on a request received in this behalf from any Government interested or otherwise, assist any Government interested in taking such steps as may be necessary for executing any scheme prepared by the Board, including the following steps, namely:-

- (a) the grant of such financial assistance as the Central Government thinks fit;
- (b) the provision of experienced personnel;
- (c) the grant of facilities for carrying out research and investigations in regard to the various aspects of the conservation, regulation or utilization of water resources, such as water power generation, irrigation, navigation, flood control, soil conservation, land use and connected structural and design features;
- (d) endeavours to bring the parties together for joint consultation where there is a difference of opinion between the Governments interested regarding the manner of execution of any scheme or schemes prepared by the Board. -

PART VI The form in which, and the time within which the budget and annual report of the Board may be prepared and forwarded to the Central Government and the Governments interested.

14. FORM OF BUDGET. The Board shall prepare and submit to the Central Government and the Governments interested, not later than the 1st day of October each year, a budget in the form specified in Annexure 'A' in respect of the financial year next ensuing, showing its estimated receipts and expenditure.

15. SUPPLEMENTARY BUDGET.- The Board shall also prepare and submit to the Central Government and the Governments interested, a supplementary budget, where necessary, in respect of the financial year to which it relates, in the form specified in Annexure 'A' before such date as may be specified by the Central Government.

16. SUBMISSION OF ANNUAL REPORT - (1) The Board shall, as soon as possible, after the end of the financial year but not later than the 30th day of September in the next year ensuing, prepare and submit to the Central Government and the Governments interested in annual report giving a true and faithful account of its activities during the said financial year.

(2) In particular, the annual report referred to in sub-rule (1) shall contain information in respect of each of the following matters, namely:-

- (a) the names of members and chief officers of the Board and a chart showing its organisational set-up.
- (b) the functions which the Board has been empowered by the Central Government to perform under section 14, and the functions of each branch;
- (c) a map indicating the area of operation of the Board, and the places therein where the reservoirs dams or other works relating to works relating to schemes prepared by it, are to be located.
- (d) a gist of the advice tendered by the Board, and the places interested in respect of the measures, if any, undertaken by them, for the development of the inter-State river or river valley;
- (e) particulars of the schemes prepared or proposed to be prepared by the Board;
- (f) the extent to which the schemes prepared by the Board have been accepted by the Central Government and the Governments interested;
- (g) the financial assistance received by the Board from the Central Government and the Governments interested;
- (h) the activities of every advisory committee appointed by the Board under section 10;
- (i) the matters in dispute referred to arbitration under section 22, and the decision, if any, of the arbitrator in respect of each such matter;
- (j) an annual statement of the accounts of the Board, as submitted to the Central Government and the Governments interested, in the form specified in Annexure 'B'.

PART VII The Form and manner in which the Accounts of the Board may be maintained, and the manner in which such accounts may be audited.

17. ANNUAL STATEMENT OF ACCOUNTS.- (1) The Board shall cause proper accounts and other records in relation thereto, to be maintained in such forms as may be specified by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The Board shall also prepare an annual statement of accounts in the form specified in Annexure 'B' and shall submit it to the Central Government and the Governments interested.

(3) Such statement shall be published in the Official Gazette as soon as possible after submission under sub-rule (2).

18. AUDIT OF ACCOUNTS (1) The accounts of the Board shall be audited by the Comptroller and Auditor-General of India or by such person as he may authorise in this behalf; and any expenditure incurred by him in connection with such audit shall be payable by the Board from its fund to the Comptroller and Auditor-General of India.

(2) The Comptroller and Auditor-General of India or any person authorised by him under this rule shall audit the accounts of the Board in the same manner as the Comptroller and Auditor-General of India does in connection with the audit of the Government accounts; and any books, documents, vouchers and papers which the person conducting the audit may require for this purpose shall be furnished to him by the Board.

(3) The accounts of the Board as certified by the Comptroller and Auditor-General of India or any person authorised by him in this behalf, together with the audit report thereon, shall be forwarded annually to the Central Government.

PART VIII + The form and manner in which a dispute may be referred to Arbitration under the Act.

19. APPLICATION. (1) Where any Government interested desires to refer under sub-section (1) of section 22 any matter in dispute between it and any other Government interested, to an arbitrator, it shall address a letter in writing, in triplicate, signed by its Secretary, to the Secretary to the Government of India, Ministry of Irrigation and Power, New Delhi; and such letter shall, unless delivered personally, be sent by registered post.

(2) Such letter shall contain information on the following points, namely:-

- (a) the parties to the dispute or difference;
- (b) the specific matters in issue between them; and
- (c) the efforts, if any, made by the parties themselves to settle the matter in dispute.

20. ARBITRATOR'S APPOINTMENT TO BE NOTIFIED Where an arbitrator is appointed under the Act, such appointment shall be notified by the Central Government in the Official Gazette.

PART IX- Procedure to be followed in Arbitration Proceedings.

21. NOTICE TO PARTIES TO NOMINATE REPRESENTATIVES. The arbitrator shall, for the purpose of the proceedings before him, require the parties to the dispute, in the form set out in Annexure 'C', to nominate, within a specified time, persons to present their case before him.

22. PROCEDURE IF REPRESENTATIVES ARE NOT NOMINATED. Where any party to the proceedings before an arbitrator fails to nominate any representative to present its case before the arbitrator or where the representative so nominated does not appear before the arbitrator, he may proceed as if such party had been represented.

23. PRODUCTION OF DOCUMENTS - An arbitrator may require any party to the dispute, in the form set out in Annexure 'D', to produce before him any books, papers or other documents or things in the possession of or under the control of the party in any way relating to the matter under arbitration, which the arbitrator thinks necessary for the purposes of giving his decision.

24. SERVING OF NOTICE OR ORDER. Any notice or order issued by the arbitrator may be served either personally or by registered post.

25. PROCEDURE AT COMMENCEMENT OF PROCEEDINGS. At the commencement of the proceedings before the arbitrator, each of the parties shall state its case in such order as the arbitrator thinks fit.

26. EXAMINATION BY REPRESENTATIVES. Any representative of a party appearing before the arbitrator may examine, cross examine and re-examine any person, other than a representative of a party, appearing before an arbitrator, and may address the arbitrator in regard to the matter in dispute in such order as the arbitrator thinks fit, after each party to the dispute has presented its case before him.

27. ASSESSORS. Where the arbitrator or assessor is not a serving Judge of the proceedings before him, he shall obtain the advice of such assessors; but such advice shall not be binding on him.

28. FEES. Where the arbitrator appoints assessors to assist him in the Supreme Court or a High Court, or a salaried officer of the Government, he may be granted such fees as may be sanctioned by the Central Government, in consultation with the Chief Justice of India in the case of an arbitrator, and in consultation with the arbitrator in the case of an assessor.

29. DECISIONS TO BE MADE AS EARLY AS POSSIBLE. The arbitrator shall give his decision on the matters referred to him within as short a time as may be practicable in the circumstances of the case.

PART X- The manner of Recruitment of the Officers of the Board and the Terms and Conditions of service of such Officers.

30. APPOINTMENT AUTHORITY.- All appointments to the posts of officers, under the Board shall be made by it, whether by direct recruitment, promotion or otherwise:

Provided that no appointment to any post, the maximum salary of which exceeds Rs.500 a month, shall be made without the previous sanction of the Central Government.

31. CREATION AND ABOLITION OF POSTS The Board may create and abolish-
- (a) posts carrying a maximum salary not exceeding Rs.500/- a month; and
 - (b) all other posts with the previous sanction of the Central Government.
32. DIRECTIONS BY CENTRAL GOVERNMENT TO BOARD The Central Government may from time to time issue directions to the Board as to the percentages of posts to be filled by direct recruitment and by promotion, and the Board shall comply with such directions while making appointments.
33. FILLING OF POSTS BY DIRECT RECRUITMENT (1) Vacancies to be filled by direct recruitment shall, unless filled by officers deputed by State Governments or the Central Government, be advertised or notified to the Regional Employment Exchange concerned.
- (2) A statement showing all the nominations received from the Central and State Governments, the applications received from candidates and the recommendations made by the Regional Employment Exchange, shall be placed before the Board for its consideration before any vacancy is filled.
34. FILLING OF POSTS BY PROMOTION In respect of vacancies to be filled by promotion, the Board shall consider the cases of all eligible officers.
35. POSTINGS AND TRANSFERS Postings and transfers of officers of the Board shall be made by the Chairman thereof, or by such officers of the Board as the Board may authorise in this behalf, subject to such conditions, if any, as it thinks fit.
36. PAY, LEAVE AND ALLOWANCES
- (1) The pay, leave and allowances of officers of the Board, including officers on contract, shall, so far as possible, be regulated by such rules and orders as are applicable, from time to time, to the grade of temporary Central Government officers to which the Central Government may declare them to correspond in status.
 - (2) The powers of a Head of Department under the Central Government in respect of the rules and orders applicable, shall, in relation to the officers of the Board be exercised by the Chairman of the Board.

- (3) Officers of the Board shall be entitled to the benefits of the contributory provident fund which may be established by the Board:

Provided that the Board's contribution shall not, at any time, exceed the rate at which the Central Government makes contribution to the contributory provident fund of its own employees:

Provided further that the provisions of this sub-rule shall not apply to officers of the Board who are Government servants or are in receipt of any retirement benefit from Government in the form of pension or contributory provident fund.

- (4) Notwithstanding anything contained in this rule the pay, leave and allowances of any Government servant who has been deputed to serve under the Board, shall be regulated by such orders as the Central Government may issue in that behalf.

- (5) The salary, allowances and leave and other contributions of the officers shall be met from the fund of the Board.

37. PENALTIES.-The provisions of so much of the Central Civil Services (Classification Control and Appeal) Rules, 1957, as apply to the imposition of penalties on Central Government servants, shall apply to the officers of the Board:

Provided that the previous sanction of the Central Government shall be obtained by the Board for taking any action against an officer holding a post, the maximum salary of which exceeds Rs.500/- a month.

.... RIVER BOARD
Supplementary Annual Budget for 19....
(See rules 14 and 15)

STATEMENT No. I

	Actual previous completed fiscal year	Budgeted current year	Actual		Revised for the current year	Budgeted for the next year	Explanations for the differences in the current year
			For the last 6 months Oct.- March in the previous year	For the first 6 months April- Sept. of the current year			
	1	2	3	4	5	6	7
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.

A. RECEIPTS

1. Opening balance
2. Contributions made by the
Central Government
3. Contributions made by the
State Governments of:

(a)
(b)

B. EXPENDITURE

1. Establishment-
 - (a) Salaries of the members of the Board
 - (b) Salaries of Officers
 - (c) Salaries of establishment
 - (d) T.A. of members, officers and establishment
 - (e) Miscellaneous allowances
 - (f) Medical reimbursement charges
 - (g) Other charges

	1	2	3	4	5	6	7	8
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
2. Services-								
(a) Telephones, telegrams & postage								
(b) Bank and other charges								
(c) Heating and lighting								
(d) Other services- legal expenses, audit charges etc.								
3. Equipment-								
(a) Office furnitures & fixtures- repairs and maintenance								
(b) Maintenance of office equipment (Type-writers, calculating machines, drawing instruments etc.)								
(c) Stationery and forms								
(d) Transportation equipment (repairs and maintenance)								
(e) Laboratory and testing equipment								
(f) General tools and work equipment								
(g) Other miscellaneous equipment								
4. Other Expenditure-								
(a) Printing, stencilling and litho								
(b) Maps								
(c) Books and periodicals								
(d) Subscriptions to associations								
(e) Rents								
(f) Field survey expenses								
(g) Amounts paid to other organisations for work done by them on behalf of the Board								

Name and Designation	2	Date of appointment to the post		5	6	Allowances		9	Amount Increment falling due during the year					15
		3	4			7	8		10	11	12	13	14	
		Mini- mum	Maxi- mum	Actual rate of pay on first April next year	provi- sion required during the financial year at the rate in Col. 5	Dearness	Com- pensa- tory	Total	of provi- sion	Date of incre- ment	Rate of incre- ment	Amount of pro- vi- sion	Total amount of pro- vi- sion	Remarks
1														

.....RIVER BOARD
Annual Statement of Accounts of Receipts & Payment for the
year ending 31st March, 19.....

((See rules 16 and 17))

Receipts	Rs.	Payments	Rs.
1. Opening balance as on 1st April		1. Establishment	
2. Contributions made by the Central Government.		(a) Salaries of the members of the Board.	
3. Contributions made by the State Governments of		(b) Salaries of Officers.	
(a)		(c) Salaries of establishment.	
(b)		(d) T.A. of members, Officers and establishment.	
4. Other receipts		(e) Miscellaneous allowances.	
		(f) Medical reimbursement charges.	
		(g) Other charges.	
		2. Services	
		(a) Telephones, telegrams and postage.	
		(b) Bank and other charges.	
		(c) Heating and lighting.	
		(d) Other Services-legal expenses, audit charges, etc.	
		3. Equipment	
		(a) Office furniture & fixtures repairs and maintenance.	
		(b) Maintenance of office equipment (Typewriters, calculating machines, drawing instruments).	
		(c) Stationery and forms.	
		(d) Transportation equipment (repairs and maintenance).	
		(e) Laboratory and testing equipment.	
		(f) General tools and work equipment.	
		(g) Other Misc. equipment.	
		4. Other expenditure	
		(a) Printing, stencilling and Litho.	
		(b) Maps.	
		(c) Books and periodicals.	
		(d) Subscription to associations.	
		(e) Rents.	
		(f) Field survey expenses.	
		(g) Amounts paid to other orga- nisations for work done by them on behalf of the Board.	
		5. Closing Balance as on 31st March.....	
TOTAL		TOTAL	

ANNEXURE-'C'
(See rule 21)

To

The Secretary to the Government of
.....

WHEREAS there is a matter in dispute
..... between the
Governments of
and viz., (here enter the matter in dispute);

AND WHEREAS I have been appointed as arbitrator under sub-section
(2) of section 22 of the River Boards Act, 1956 (49 of 1956), in respect of
the said matter;

Now, THEREFORE, you are hereby required to intimate to me not later than
the.....the name(s) and address(es) of the person(s) whom the
Government of have nominated as its representative(s).

If no such intimation is received by me by the aforesaid date, the
case will be decided in the absence of any representative of the said
Government.

Dated.....

Arbitrator appointed under sub-section (2) of
section 22 of the River Boards Act, 1956.

ANNEXURE 'D'
(See rule 23)

To

WHEREAS there is a matter in dispute
.....
between the Governments of.....
viz., (here enter the matter in dispute) and that matter has been referred to
the undersigned for arbitration under section 22 of the River Boards Act,
1956 (49 of 1956);

Now, THEREFORE, you are hereby required to appear before me in person
on the.....day of..... at.....O' clock in
the.....to answer all material questions relating to the said
matter. You are also required to produce on that day all the books, papers
and other documents and things in your possession or under your control in
any way relating to the said matter.

Arbitrator appointed under sub-section (2),
of section 22 of the River Boards Act, 1956.

Dated.....

[No.EL-III.452(1)]
(G.D.KSHETRAPAL)
DEPUTY SECRETARY

**PUNJAB REORGANISATION ACT, 1966 PART VIII
(BHAKRA NANGAL AND BEAS PROJECT)**

**PART VIII
BHAKRA NANGAL AND BEAS PROJECTS**

78. (1) Notwithstanding anything contained in this Act but subject to the provisions of section 79 and 80, all rights and liabilities of the existing State of Punjab in relation to Bhakra-Nangal Project and Beas Project shall, on the appointed day, be the rights and liabilities of the successor States in such proportion as may be fixed, and subject to such adjustments as may be made by agreement entered into by the said States after consultation with the Central Government or, if no such agreement is entered into within two years of the appointed day, as the Central Government may by order determine having regard to the purposes of the projects.

Provided that the order so made by the Central Government may be varied by any subsequent agreement entered into by the successor States after consultation with the Central Government.

(2) An agreement on the order referred to in sub-section (1) shall if there has been an extension or further development of either of the projects referred to in that sub-section after the appointed day, provide also for the rights and liabilities of the successor States in relation to such extension or further development.

(3) The rights and liabilities referred to in sub-sections (1) and (2) shall include —

(a) the rights to receive and to utilise the water available for distribution as a result of the projects and

(b) the rights to receive and to utilise the power generated as a result of the projects, but shall not include the rights and liabilities under any contract entered into before the appointed day by the Government of the existing State of Punjab with any person or authority other than Government.

(4) In this section and in sections 79 and 80 —

(A) "Beas Project" means the works which are either under construction or are to be constructed as components of the Beas Sutlej Link Project (Unit I) and Pong Dam Project on the Beas river (Unit II) including —

- (i) Beas Sutlej Link Project (Unit I) comprising
 - (a) Pandoh Dam and works appurtenant thereto,
 - (b) Pandoh-Baggi Tunnel,
 - (c) Sundernagar Hydel Channel,
 - (d) Suddernagar Sutlej Tunnel,
 - (e) By-pass Tunnel
 - (f) four generating units each of 165 M.W. capacity at Dehar Power House on the right side of Sutlej river,
 - (g) fifth generating unit of 120 M.W. capacity at Bhakra Right Bank Power House,
 - (h) transmission lines,
 - (i) Balancing Reservoir;
- (ii) Pong Dam Project (Unit II) comprising
 - (a) Pong Dam and works appurtenant thereto,
 - (b) Outlet Works,
 - (c) Penstock Tunnels,
 - (d) Power plant with four generating units of 60 M.W. each
- (iii) Such other works as are ancillary to the works aforesaid and are of common interest to more than one State;

(B) "Bhakra-Nangal Project" means-

- (i) Bhakra Dam, Reservoir and works appurtenant thereto;
- (ii) Nangal Dam and Nangal-Hydel Channel;
- (iii) Bhakra Main Line and canal system;
- (iv) Bhakra Left Bank Power House, Ganguwal Power House and Kotla Power House, switchyards, sub-stations and transmission lines;
- (v) Bhakra Right Bank Power House with four units of 120 M.W. each.

79. (1) The Central Government shall constitute a Board to be called the Bhakra Management Board for the administration, maintenance and operation of the following works, namely:-

- (a) Bhakra Dam and Reservoir and works appurtenant thereto;
- (b) Nangal Dam and Nangal-Hydel Channel up to Kotla Power House;
- (c) The irrigation headworks at Rupur, Harike and Ferozepur;
- (d) Bhakra Power Houses;

Provided that the administration, maintenance and operation by the said Board of the generating units of the Right Bank Power House as have not been commissioned shall commence as and when any such unit has been commissioned;

- (e) Ganguwal and Kotla Power Houses;
- (f) Sub-stations at Ganguwal, Ambala, Panipat, Delhi, Ludhiana, Sangrur and Hissar and the main 220 KV transmission lines connecting the said sub-stations with the power stations specified in clauses (d) and (e); and
- (g) such other works as the Central Government may by notification in the Official Gazette, specify.

(2) The Bhakra Management Board shall consist of—

- (a) a whole-time Chairman and two whole-time members to be appointed by the Central Government;
- (b) a representative each of the Governments of the States of Punjab, Haryana and Rajasthan and the Union territory or Himachal Pradesh to be nominated by the respective Governments or Administrator, as the case may be;
- (c) two representatives of the Central Government to be nominated by that Government.

(3) The functions of the Bhakra Management Board shall include—

- (a) the regulation of the supply of water from the Bhakra-Nangal Project to the States of Haryana, Punjab and Rajasthan having regard to—
 - (i) any agreement entered into or arrangement made between the Governments of the existing State of Punjab and the State of Rajasthan, and
 - (ii) the agreement or the order referred to in sub-section (1) of section 78;
- (b) the regulation of the supply of power generated at the power houses referred to in sub-section (1) to any Electricity Board or other authority in charge of the distribution of power having regard to
 - (i) any agreement entered into or arrangement made between the Governments of the existing State of Punjab and the State of Rajasthan,
 - (ii) the agreement or the order referred to in sub-section (1) of section 78, and
 - (iii) any agreement entered into or arrangement made by the existing State of Punjab or the Punjab Electricity Board or the State of Rajasthan or the Rajasthan Electricity Board with any other Electricity Board or authority in charge of distribution of power before the appointed day in relation to the supply of power generated at the power houses specified in sub-section (1),
- (c) the construction of such of the remaining works connected with the Right Bank Power House as the Central Government may specify;
- (d) such other functions as the Central Government may, after consultation with the Governments of the States of Haryana, Punjab and Rajasthan, entrust to it.

(4) The Bhakra Management Board may employ such staff as it may consider necessary for the efficient discharge of its functions under this act:

Provided that every person who immediately before the constitution of the said Board was engaged in the construction, maintenance or operation of the works in sub-section (1) shall continue to be so employed under the Board in connection with the said works on the same terms and conditions of service as were applicable to him before such constitution until the Central Government by order directs otherwise:

Provided further that the said Board may at any time in consultation with State Government or the Electricity Board concerned and with the previous approval of the Central Government return any such person for service under that Government or Board.

(5) The Governments of the successor States and of Rajasthan shall at all times provide the necessary funds to the Bhakra Management Board to meet all expenses (including the salaries and allowances of the staff) required for the discharge of its functions and such amounts shall be apportioned among the successor States, the State of Rajasthan and Electricity Boards of the said States in each proportion as the Central Government may, having regard to the benefits to each of the said States or Boards, specify.

(6) The Bhakra Management Board shall be under the control of the Central Government and shall comply with such directions, as may from time to time, be given to it by that Government.

(7) The Bhakra Management Board may with the approval of the Central Government delegate such of its powers, functions and duties as it may deem fit to the Chairman of the said Board or to any officer subordinate to the Board.

(8) The Central Government may, for the purpose of enabling the Bhakra Management Board to function effectively, issue such directions to the State Governments of Haryana, Punjab and Rajasthan and the Administrator or the Union territory of Himachal Pradesh or any other authority, and the State Governments, Administrator or authority shall comply with such directions.

(9) The Bhakra Management Board may, with the previous approval of the Central Government and by notification in the Official Gazette, make regulations consistent with this Act and the rules made thereunder, to provide for-

- (a) regulating the time and place of meetings of the Board and the procedure to be followed for the transaction of business at such meetings;
- (b) delegation of powers and duties to the Chairman or any officer of the Board;
- (c) the appointment, and the regulation of the conditions of service, of the officers and other staff of the Board,
- (d) any other matter for which regulations are considered necessary by the Board.

80. (1) Notwithstanding anything contained in this Act or in any other law, the construction (including the completion of any work already commenced) of the Beas Project shall, on and from the appointed day, be undertaken by the Central Government on behalf of the successor States and the State of Rajasthan:

Provided that the Governments of the successor States and the State of Rajasthan shall at all times provide the necessary funds to the Central Government for the expenditure on the project (including the expenses of the Board referred to in sub-section (2)) and such amounts shall be apportioned among the successor States and the State of Rajasthan in such proportion as may be fixed by the Central Government after consultation with the Governments of the said States.

(2) For the discharge of its functions under sub-section (1), the Central Government may-

- (a) by notification in the Official Gazette and in consultation with the Governments of the successor States and the State of Rajasthan, constitute a Board to be called the Beas construction Board with such members as it may deem fit and assign to the Board such functions as it may consider necessary; and
- (b) issue such directions to the State Governments of Haryana, Punjab and Rajasthan and the Administrator of the Union territory of Himachal Pradesh or any other authority, and the State Governments, Administrator or other authority shall comply with such directions.

(3) The notification constituting a Board under clause (a) of sub-section (2) may empower the Board to appoint such staff as may be necessary for the efficient discharge of its functions:

Provided that every person who immediately before the constitution of the Board was engaged in the construction or any work relating to the Beas Project shall continue to be so employed by the Board in connection with the said works on the same terms and conditions of service as were applicable to him before such constitution until the Central Government by order directs otherwise:

Provided further that the Board may at any time in consultation with the State Government or the Electricity Board concerned and with the previous approval of the Central Government return any such person for service under that Government or Board.

(4) Nothing contained in this section shall be construed as enabling the Central Government to reduce or enlarge the scope of the Beas Project as agreed to between the Governments of the State of Rajasthan and the existing State of Punjab except after consultation with the Governments of the States of Haryana, Punjab and Rajasthan.

(5) Any component of the Beas Project in relation to which the construction has been completed after the appointed day may be transferred by the Central Government to the Board constituted under section 79 whereupon the provisions of that section shall apply as if it were a work included in sub-section (1) of that section.

(6) The Bhakra Management Board constituted under section 79 shall be re-named as the Bhakra Beas Management Board when any of the components of the Beas Project has been transferred under sub-section (5), and the Beas Construction Board shall cease to exist when all the components of the Beas Project have been so transferred.

Thus all the rights and liabilities of the composite State of Punjab in relation to Bhakra-Nangal Project and Beas project on the appointed day, that is, 1st November 1966, became the rights and liabilities of the successor States to be fixed by agreement between the States within two years failing which, as may be determined by an order of the Central Government. These rights include the rights to receive and utilise the water available for distribution and the rights to receive and utilise the power generated as a result of the projects. The 'Beas Project' and the 'Bhakra Nangal Project' have been comprehensively set out in clauses (A) and (B) of sub-section (4) of section 78 of the said Act. The Bhakra Nangal Project was complete then but the Beas Project was still under construction and that is why section 80 cast a duty on the Central Government to complete the same on behalf of the two successor States and the State of Rajasthan albeit with the funds provided by the three party States in such proportion as may be fixed by the Central Government. For the proper management, maintenance and operation of certain works of the Bhakra Nangal Project set out in section 79 the constitution of a Board called the Bhakra Management Board was envisaged. Under sub-section (5) of section 80 the Central Government was empowered to transfer any component of the Beas Project completed after the appointed day to the Board constituted under section 79 whereupon the Board was to be renamed Bhakra Beas Management Board. By section 97 the Central Government was empowered to frame the rules in respect of the matters catalogued in clauses (a) to (j) of sub-section (2) thereof in regard to the proper functioning of the Board and certain other incidental matters.

MINISTRY OF ENERGY
(DEPARTMENT OF POWER)

NOTIFICATION
NEW DELHI, THE 11TH DECEMBER, 1974

BHAKRA (BEAS) MANAGEMENT BOARD RULES

G.S.R. 1330.- In exercise of the powers conferred by section 97 of the Punjab Reorganisation Act, 1966 (31 of 1966), the Central Government hereby makes the following rules, namely -

1. SHORT TITLE AND COMMENCEMENT-

- (1) These rules may be called, the Bhakra (Beas) Management Board Rules, 1974.
- (2) They shall come into force on the date of their publication in Official Gazette.

2. DEFINITIONS- In these rules unless the context otherwise requires-

- (a) "Act" means the Punjab Reorganisation Act, 1966 (31 of 1966);
- (b) "Board" means the Bhakra Management Board constituted under section 79 (read with sub-section (6) of section 80)1;
- (c) "Chairman" means the whole-time Chairman of the Board appointed under clause (a) of sub-section (2) of section 79;
- (d) "Member" means a whole-time member appointed by the Central Government under clause (a) of sub-section (2) of section 79 or a representative nominated under clause (b) or clause (c) of sub-section (2) of section 79;
- (e) "Participating States" means the States of Haryana, Punjab, Rajasthan and Himachal Pradesh;
- (f) "regulations" means regulations made by the Board under sub-section (9) of section 79;
- (g) "Schedule" means a schedule annexed to these rules;
- (h) "Section" means a section of the Act;
- (i) "Whole-time member" means a whole time member of the Board appointed under clause (a) of sub-section (2) of section 79;
- (j) "Works" means works connected with the administration, maintenance and operation of the works referred to in sub-section (1) of section 79 (read with sub-section of section 80)1.

3. Term of office of the Chairman or a whole-time member :

- "(1) Notwithstanding the terms and conditions of service obtaining in his parent department, and notwithstanding his superannuation from his parent department, the Chairman or a whole time Member shall continue to hold office for a term of 3 years from the date on which he assumes charge of his office:

Provided that the Chairman or a whole time Member shall, notwithstanding the expiration of his term of office, continue to hold office until his successor is appointed:

Provided further, that, unless otherwise decided for the reasons to be recorded in writing, the Chairman or a whole time Member shall not hold office beyond the age of 60 years:

Provided further that the Chairman or a whole time Member shall be eligible for re-appointment for a further term of 3 years.

the amount of pay and allowances which he would have drawn for the said period of ninety days:

Provided that if such Chairman or whole-time member is on deputation from any State Government, State Electricity Board or the Central Government, the Central Government may at any time by order return his services to such Government or such Electricity Board.

(4) Salary of Chairman and a whole-time member.-

- (1) (a) The Chairman of the Board shall be paid a salary of Rs.7600/- per month fixed).
(b) A whole-time member of the Board shall be paid a (monthly salary in the scale of Rs.5900-200-6700).

Provided that where a person serving under the State Government, the State Electricity Board or the Central Government, is appointed as the Chairman or a whole-time member, such appointment shall not adversely affect the pay, increment, gratuity, pension and other retirement benefits which he would have drawn or received had he not been so appointed as Chairman or whole-time member, as the case may be.

- (2) The Chairman or a whole-time member shall be entitled to such travelling allowance and other allowances (as are admissible to the officers of the highest grade of the Government of Punjab under the Punjab Civil Services Rules, Vol.III(T.A.Rules) as referred to in Rule 6, Or as admissible to the Chairman/Members of the P.S.E.B. Or as adopted by the B.B.M.B. for its highest ranking officers from time to time with the approval of the Central Government, whichever is higher)

- (3) The salary and allowances of the Chairman and whole-time members shall be paid out of the funds of the Board.

5. (5) FILLING OF A CASUAL VACANCY.- When the office of the Chairman or a whole time member becomes vacant by his removal, resignation, death or otherwise, a new Chairman or whole-time member, as the case may be, shall be appointed in his place and such Chairman or the whole-time member shall hold office so long as the Chairman or the whole-time member whose place he fills would have been entitled to hold office if such casual vacancy had not occurred.

6. POWER AND FUNCTIONS OF THE BOARD IN CERTAIN MATTERS. The powers and functions of the Board in relation to technical sanction, administrative approval, other sanctions required for the works, establishment, and for contingent expenditure shall be, so far as may be, those of a State Government under the codes, rules, manuals, orders, regulations and the like specified in Schedule 1 as in force in the State of Punjab (immediately before the 1st day of November, 1966) 5.

7. DECISIONS BY THE BOARD. All matters relating to incidental to or connected with, the functions of the Board shall be decided by a majority vote of members present and voting at the meeting of the Board and in case of an equality of votes, the Chairman shall have a second or casting vote:

Provided that where with reference to any matter, the Chairman is satisfied that there is difference of opinion among the members on any question of policy or the rights of any of the participating States, the Chairman shall refer the matter to the Central Government who shall decide the same.

Explanation-I.- If any member raises in any meeting of the Board any point as to whether a question is a question of policy or whether any rights of the States concerned are involved in the consideration of a matter before the Board a decision on the points so raised shall be given by the Chairman.

Explanation-II.- When any member dissents from any decision so given by the Chairman, the State Government, which is represented by that member, may represent to the Central Government through the Chairman and thereupon that Government shall decide the same.

8. FUNCTIONS OF THE CHAIRMAN.-

- (1) The Chairman shall be the Chief Executive Officer of the Board.
- (2) The Chairman shall preside over the meetings of the Board:

Provided that in the absence of the Chairman, such member of the two whole-time members, as may be nominated by the Central Government in this behalf, shall preside over the meetings of the Board.

9. SECRETARY OF THE BOARD.-

- (1) There shall be a Secretary (hereafter referred to in these rules as the Secretary) to the Board who shall be employed by the Board.
- (2) The Secretary shall be under the administrative control of the Board.
- (3) The Secretary shall have such powers and perform such duties as the Board may, by regulations, delegate to him.

10. FINANCIAL ADVISER AND CHIEF ACCOUNTS OFFICER.-

- (1) There shall be a Financial Adviser and Chief Accounts Officer (hereafter referred to in these rules as the Financial Adviser) to the Board who shall be employed by the Board to discharge the function assigned to him under these rules.
- (2) The Financial Adviser shall be under the administrative control of the Board.
- (3) The Financial Adviser shall have such other powers and perform such other duties as the Board may, by regulations, assign to him.

11. BUDGET ESTIMATES.-

- (1) The Board shall, in consultation with the Financial Adviser prepare every year a revised estimate in such form as may be specified by regulations, for the current financial year and a budget for the next financial year.
- (2) The budget referred to in sub-rule (1) shall be sent, after approval of the Board, to the Governments and the Electricity Boards of the participating States.

12. FINANCES OF THE BOARDS.-

- (1) The Board shall maintain in such form as may be specified by regulations, personal ledger accounts in respect of the funds provided to the Board under sub-section (5) of section 79.
- (2) The Board may incur such expenditure as it may think fit to meet an emergency for the discharge of its functions.
- (3) (a) Re-appropriation between the minor heads within the same major heads shall be made by the Board and, communicated to the Government of the participating States.
(b) The Board shall be competent to re-appropriate sub-heads within a minor head.

13. MONTHLY STATEMENT.-

- (1) The Financial Adviser shall prepare a monthly statement showing the receipts and expenditure of the funds relating to the personal ledger account.
- (2) A copy of the monthly statement shall be sent to.-
 - (a) the Accountants General of the participating States;
 - (b) the Government of India, in the Power Department of the Ministry of Energy and the Ministry of Finance;
 - (c) Secretaries to the Government in the Irrigation and Power and the Finance Departments of the participating States;
 - (d) The Chief Accounts Officers of the Electricity Boards of the participating States.
- (3)
 - (a) The Financial Adviser shall maintain detailed account of all funds of the income and expenditure of the Board.
 - (b) The Financial Adviser shall submit monthly account in respect of irrigation portion to the Accountants General of the participating States.
- (4) The Financial Adviser shall submit monthly accounts in respect of electricity portion to the Chief Accounts Officers of the Electricity Boards of the participating States.
- (5) After the close of the financial year, the Financial Adviser shall prepare the annual statement of accounts in respect of irrigation and electricity portion and send a copy thereof to the Accountants General of the participating States and the Chief Accounts Officers of the Electricity Boards of the participating States.
- (6) The form of monthly statements, monthly accounts and the annual statement of accounts shall be such as may be specified by regulations.

14. ANNUAL REPORTS. The Board shall prepare an annual report within six months of the end of financial year giving a true and faithful account of the activities of the Board during the preceding financial year in the form given in Schedule II.

15. AUDIT:-

- (1) The accounts of Board shall be audited by the Comptroller and Auditor General of India or his nominee who shall certify subject to such observations as he may wish to make, the Board's annual accounts.
- (2) Other comments, if any, which the Comptroller and Auditor General or his nominee may wish to offer on the working of the Board would, at the discretion of the Comptroller and Auditor General of India be included in the Comptroller and Auditor General's report relating to the concerned Ministry in the Central Government.

- (3) Copies of the relevant paragraphs of the Comptroller and Auditor General of India's report shall be sent by the Board to the participating State Governments.

SCHEDULE 1

(SEE RULE 6)

1. The Punjab Civil Services Rule, Volume 1 Part-I Main-Rules.
2. The Punjab Civil Services Rules, Volume I Part-II (Appendices and forms).
3. The Punjab Civil Services Rules, Volume II (Rules relating to the pensions and Provident Funds).
4. The Punjab Civil Services Rules, Volume III (Travelling Allowance Rules).
5. Financial Handbook No.1:- The Punjab Treasury Rules and Sub-Treasury Rules, Volume I.
6. Financial Handbook No.1:- The Punjab Treasury Rules, and Sub-Treasury Rules, Volume II.
7. Financial Handbook No.2:- The Punjab Financial Rules, Volume I.
8. Financial Handbook No.2:- The Punjab Financial Rules, Volume II.
9. Financial Handbook No.3:- The Departmental Financial Rules (Relating to Public Works and Forest Departments).
10. Punjab Financial Handbook No.4:- The Punjab Budget Manual.
11. The Punjab Public Works Department Code.
12. Manual of Orders issued by the Punjab Government for the Guidance of Officer of the Irrigation Branch.
13. The Punjab Public Works Department, Irrigation Branch, Manual of administration.
14. The Punjab Public Works Department, Irrigation Branch Manual of Office Procedure.
15. Buildings and Roads, Irrigation Public Health Branches and Capital Project Common Schedule of Rates Volume I (For works in plains) 1963.
16. Buildings and Roads, Irrigation, Public Health Branches and Capital Project, Common Schedule of Rates Volume II (For works in Hilly Areas.)

17. Buildings and Roads, Irrigation, Public Health Branches, and Capital Project, Common Schedule of Rates Volume III (For Public Health Works).
18. Buildings and Roads, Irrigation, Public Health Branches and Capital Project, Common Schedule of Rates Volume IV (Electric Installation both for Plains and Hills).
19. Building and Roads, Irrigation and Public Health Branches and Capital Project, Analysis for Rates for Common Schedule of Rates Volume I (Plains and Hills).
20. Punjab P.W.D. Specifications 1963.
21. Manual of Irrigation Practice.
22. Punjab Services (Medical Attendance) Rules, 1940.
23. Punjab Printing and Stationery Manual.
24. Electricity Branch Manual of Instructions.
25. Electricity Branch-Manual of Orders.
26. Punjab State Electricity Board Employees (Punishment and Appeal) Regulations, 1965.
27. Punjab State Electricity Board General Provident Fund Regulations.
28. [The Punjab State Electricity Board-Delegation of Powers (Reprint 1964) ²].
29. Punjab State Electricity Board MSR Volume I Part-I.
30. Punjab State Electricity Board MSR Volume I Part-II.
31. Punjab State Electricity Board Employees Conduct Regulations, 1971.

SCHEDULE-II

(See Rule 14)

FORM OF ANNUAL REPORT

1. INTRODUCTION.

Giving list of the members of the Board, number of Board's meetings held.

II: Part I.

IRRIGATION WING

- (i) General Review.
- (ii) Administration and Organisation.
- (iii) Finances, Accounts and Audit.
- (iv) Regulations of water supplies and water Accounts.
- (v) Operation and Maintenance of Bhakra Dam, Nangal Dam, Nangal Hydel Channel and other appurtenant structures.

III. Part II.

POWER WING

- (i) General Review.
- (ii) Administration and Organisation.
- (iii) Finances Accounts and Audit.
- (iv) Generation and distribution of power and accounts of Power Utilisation by the Common Pool Consumers* and partner States.
- (v) Operation and Maintenance of Power Houses and substations and transmission.

IV. Water and Power Study for the next year.

*NOTE: "Common Pool Consumer" means a consumer who is supplied with power in pursuance of an Agreement among the parties to the Bhakra-Nangal Agreement, 1959 and their successor States from the available power from the Bhakra Nangal Project before it is shared.

No.F.6/1/67-B&B/DWN
Sd/-

(R.V.SUBRAHMANIAN)
SECRETARY

Particulars relating to the Principal rules and subsequent amendments as given below:-

Principal Rules-	G.S.R.NO.1330	Dated 11.12.1974.
Amendments- (1)	G.S.R.No.1709	Dated 16.11.1976-Annexure-I
(2)	G.S.R.No. 749	Dated 27.5.1977-Annexure-I
(3)	G.S.R.No. 556	Dated 13.4.1978-Annexure-III
(4)	G.S.R No.1221	Dated 20.9.1978-Annexure-IV
(5)	G.S.R.No. 454	Dated 2.3.1979-Annexure-V
(6)	G.S.R.No. 114	Dated 8.1.1980-Annexure-VI
(7)	G.S.R.No. 38	Dated 26.12.1984/12.1.1985-Annexure-VIII.
(8)	G.S.R.No. 478	Dated 1.5.1981-Annexure-VII
(9)	G.S.R.No. 821	Dated 14.8.1985-Annexure-IX.

ANNEXURE-I

PUBLISHED IN SUB-SECTION (1) OF SECTION 3 OF PART-II OF THE GAZETTE OF INDIA
DATED 14.12.1976

GOVERNMENT OF INDIA
MINISTRY OF ENERGY
DEPARTMENT OF POWER

New Delhi, the 16th November, 1976

NOTIFICATION

G.S.R.No.1709. In exercise of the powers conferred by section 97 of the Punjab Reorganisation Act, 1966(31 of 1966), the Central Government hereby makes the following rules to amend the Bhakra Management Board Rules, 1974, namely-

1. (1) These rules may be called the Bhakra Management Board (Amendment) Rules, 1976.
(2) They shall come into force on the date of their publications in the Official Gazette.
2. In the Bhakra Management Board Rules, 1974.
 - (i) In sub-rule (1) of rule 1, for the words "Bhakra Management Board", the words "Bhakra Beas Management Board" shall be substituted;
 - (ii) in rule 2,-
 - (1) in clause (b), the words, brackets and figures "read with sub-section (6) of section 80" shall be added at the end;
 - (2) in clause (i) the words, brackets and figures "read with sub-section (5) of section 80" shall be added at the end.

(F.N.3/21/76-DW(N))

Sd/-

(R.C. BHARGAVA)

Joint Secretary to the Govt. of India.

ANNEXURE-II

PUBLISHED IN SUB-SECTION
DATED 18.6.1977.

OF SECTION-3 OF PART-II OF THE GAZETTE OF INDIA

• MINISTRY OF ENERGY

(DEPTT. OF POWER)

New Delhi, the 27th May, 1977.

G.S.R. No.749.- In exercise of the powers conferred by section 97 of the Punjab Reorganisation Act, 1966 (31 of 1966), the Central Government hereby makes the following rules, further to amend the Bhakra Beas Management Board Rules, 1974, namely:-

1. (1) These rules may be called the Bhakra Beas Management Board (Amendment) Rules, 1977.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. In schedule 1 to the Bhakra Beas Management Board Rules, 1974, after item 31 and the entry relating thereto, the following item and entry shall be inserted, namely:-
"32. The Punjab State Electricity Board-Delegation of Powers (Reprint-1964).

(File No.3/21/76-DW(N))

Sd/-

(R.C.BHARGAVA)

JOINT SECRETARY TO THE GOVT. OF INDIA

ANNEXURE-III

PUBLISHED IN THE SUB-SECTION (1) OF SECTION 3 OF PART-II OF THE GAZETTE OF INDIA DATED 29.4.1978. (PAGE 961)

GOVERNMENT OF INDIA
MINISTRY OF ENERGY
(DEPTT. OF POWER)

New Delhi, the 13th April, 1978.

NOTIFICATION

G.S.R.No.556. In exercise of the powers conferred by section 97 of the Punjab Reorganisation Act, 1966 (31 of 1966), the Central Government hereby makes the following rules, further to amend the Bhakra Management Board Rules, 1974, namely:-

1. (1) These rules may be called the Bhakra Management Board (Amendment) Rules, 1978.

(2) They shall come into force on the date of their publication in the Official Gazette.
2. In Sub-rule (3) of rule 3 of the Bhakra Management Board Rules, 1974, for the words "The Central Government may, if it is of opinion that it is necessary or expedient so to do" the words "The Central Government, for reasons to be recorded in writing, may, if it is of opinion that it is necessary or expedient to do" shall be substituted.

(F.No.3/22/77-DW(N)/D.III)

Sd/-
(P.M.BELLIAPPA)
JOINT SECRETARY TO THE GOVT.OF INDIA

PUBLISHED IN SUB-SECTION (1) OF SECTION 3 OF PART-II OF THE GAZETTE OF INDIA
(PUBLISHED on 7.10.1978).

GOVERNMENT OF INDIA
MINISTRY OF ENERGY
DEPARTMENT OF POWER

New Delhi, the 20th September, 1978

CORRIGENDUM

G.S.R. 1221. In the notification of the Government of India in the Ministry of Energy (Department of Power), No.G.S.R.556, dated the 13th April, 1978, published in the Gazette of India, Part-II Section-3, sub-section(1) dated the 29th April, 1978, at page 961 for Sub-rule (1) of rule 1, read "1.(i) These rules may be called the Bhakra Beas Management Board (Amendment) Rules, 1978."

(F.No.3/21/76-DWN/D.III)

Sd/
(P.M. BELLIAPPA)
JOINT SECRETARY TO THE GOVT. OF INDIA

ANNEXURE-V

(PUBLISHED IN SUB-SECTION (1) OF SECTION 3 PART-II OF THE GAZETTE OF INDIA). PUBLISHED ON 24.3.1979

Government of India
MINISTRY OF ENERGY
(DEPARTMENT OF POWER)

New Delhi, the 2nd March, 1979.

NOTIFICATION

G.S.R.No.454. In exercise of the powers conferred by section 97 of the Punjab Reorganisation Act, 1966 (31 of 1966) the Central Government hereby makes the following rules further to amend the Bhakra Beas Management Board Rules, 1974, namely:-

1. (1) These rules may be called the Bhakra Beas Management Board (Amendment) Rules, 1979.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. In rule 6 of the Bhakra Beas Management Board Rules, 1974, the words "immediately before the 1st day of November, 1966" occurring at the end, shall be omitted.

F.No.3/22/77-DW(N)/D-III.

Sd/-

(H.R. KALRA)

UNDER SECRETARY TO THE GOVT. OF INDIA

PUBLISHED IN SUB-SECTION (1) OF SECTION 3 PART-II OF THE GAZETTE OF INDIA
DATED 26.1.80(PAGE NO.198)

GOVERNMENT OF INDIA
MINISTRY OF ENERGY
(DEPARTMENT OF POWER)

New Delhi, the 8th January, 1980.

NOTIFICATION

G.S.R.NO.114. In exercise of the power conferred by Section 97 of the Punjab Reorganisation Act, 1966 (31 of 1966), the Central Government hereby makes the following rules further to amend the Bhakra Beas Management Board Rules, 1974, namely:-

1. (1) These rules may be called the Bhakra Beas Management Board (Amendment) Rules, 1980.
- (2) They shall come into force on the date of their publication in Official Gazette.
2. In sub-rule (2) of Rule 4 of the Bhakra Beas Management Board Rules, 1974, for words "as are admissible to the officers of the highest grade under the Punjab Civil services Rules, Volume III (Travelling Allowance Rules) as referred to in rule 6", the following words shall be substituted:

"As are admissible to the officers of the highest grade of the Government of Punjab under the Punjab Civil Services Rules, Volume III (Travelling Allowance Rules) as referred to in rule 6, OR as admissible to the Chairman/Members of the Punjab State Electricity Board, OR as adopted by the Bhakra Beas Management Board for its highest ranking off officers, from time to time, with the approval of the Central Government whichever is higher".

F.No.3/22/77-DW(N)/D.III

Sd/

(M.L. HANDA)

UNDER SECRETARY TO THE GOVT. OF INDIA

ANNEXURE-VII

PUBLISHED IN SUB SECTION (1) OF SECTION 3 PART II OF THE
GAZETTE OF INDIA DATED 16.5.1981.

GOVERNMENT OF INDIA
MINISTRY OF ENERGY
{DEPARTMENT OF POWER}

New Delhi, the 1st May, 1981.

NOTIFICATION

G.S.R.No.478,- In exercise of the powers conferred by
section 97 of the Punjab Reorganisation Act, 1966 (31 of 1966),
the Central Government hereby makes the following rules further
to amend the Bhakra Beas Management Board Rules, 1974, namely:-

1. (1) These rules may be called the Bhakra Beas Management
Board (Amendment) Rules, 1981.
(2) They shall come into force with effect from 1st May, 1981.
2. In sub-rule (1) of rule 4,-
 - (a) in clause (a) for the letters and figures "Rs.3,000" the
letters and figures "Rs.3,250" shall be substituted; and
 - (b) in clause (b), for words, letters and figures, "salary
of Rs.2,500 per month", the words, letters and figures
"monthly salary in the scale of Rs.2,500-125/2-2750"
shall be substituted.

F.No.3/22/77-DWN/D-III

Sd/
(N.L. KHANNA)
DEPUTY SECRETARY TO THE GOVT. OF INDIA

ANNEXURE-VIII

PUBLISHED IN SUB-SECTION (1) OF SECTION 3 OF PART-I OF THE
GAZETTE OF INDIA DATED 12TH JANUARY, 1985 (PAGE 103)

No.2/4/81-(B&B)
GOVERNMENT OF INDIA
MINISTRY OF ENERGY
(DEPARTMENT OF POWER)

New Delhi, the 26th December, 1984.

NOTIFICATION

G.S.R.No.38. In exercise of the powers conferred by
Section 97 of the Punjab Reorganisation Act, 1966 (31 of 1966),
the Central Government hereby makes the following rules further to
to amend the Bhakra Beas Management Board Rules 1974, namely:-

1. (1) These rules may be called the Bhakra Beas Management
Board (Amendment) Rules, 1984.
(2) They shall come into force on the date of their
publication in the Official Gazette.
2. For the proviso to sub-rule (2) of rule 3 of the Bhakra
Beas Management Board Rules, 1974, the following proviso
shall be substituted, namely:-

"Provided that the Chairman or a whole-time Member
shall cease to be in office from the date following
the expiry of the period of notice given by him to
the Central Government [Under the second proviso to
sub-rule (1)].

Sd/-

(K. PADMANABHAIAH)

JOINT SECRETARY TO THE GOVT. OF INDIA

- * Deleted Vide G.O.I. Ministry of I&P (Deptt. of Power)
No.2/4/81-D(B&B) dated 14.8.85.

ANNEXURE-IX

PUBLISHED IN SUB-SECTION (1) OF SECTION 3 OF PART-II OF
THE GAZETTE OF INDIA DATED 31.8.1985 (PAGE 2134).

F.No.2/4/81-D(B&B)
GOVERNMENT OF INDIA
MINISTRY OF IRRIGATION AND POWER
(DEPARTMENT OF POWER)

New Delhi, the 14th August, 1985.

CORRIGENDUM

G.S.R.No.881. In the Notification of the Government of India in the erstwhile Ministry of Energy (Department of Power), No.G.S.R. No.38 dated 12th January, 1985 published in the Gazette of India Part-II Section 3 Sub-Section (1) dated the 12th January, 1985, page 103 the words "under the second proviso to sub-rule (1)" after the words "Central Government" in paragraph 2 shall be omitted.

Sd/-

(K.PADMANABHAIAH)
JOINT SECRETARY TO THE GOVT. OF INDIA

PUBLISHED IN SECTION 4 OF PART-II OF THE GAZETTE OF INDIA DATED 8.1.1977

BHAKRA BEAS MANAGEMENT BOARD
CHANDIGARH THE 28TH DECEMBER 1976

No.21161/Sub/B-916/4B.- In exercise of the powers conferred by clauses (a) and (b) of sub-section (9) of Section 79 of the Punjab Reorganisation Act, 1966 (31 of 1966), the Bhakra Beas Management Board, with the approval of the Central Government, hereby makes the following regulations namely:-

1.SHORT TITLE AND COMMENCEMENT.- (1) These regulations may be called the Bhakra Beas Management Board (Conduct of meetings and Powers and Duties of Chairman and Officers of the Board) Regulations, 1976.

(2) They shall come into force on the date of their publication in the Official Gazette.

2.DEFINITIONS.- In these regulations, unless the context otherwise requires:-

- (a) "Rules" means the Bhakra Beas Management Board Rules, 1974;
- (b) "Secretary" means the Secretary or the Additional Secretary to the Board;
- (c) Words and expressions used herein and not defined but defined in the Rules shall have the meanings respectively assigned to them in those Rules.

3. TRANSACTION OF BUSINESS.- (1) The business of the Board shall be transacted at the meetings of the Board to be held at least once in three months: (2)

Provided that in case of urgency, the business may be transacted by circulation of necessary papers amongst the Chairman and Members, and the Chairman may take a decision after taking into consideration the views of the Members expressed thereupon.

(2) The meetings of the Board shall be convened by the Chairman as and when necessary and the interval between the two ordinary meetings shall in no case be more than three months:

Provided that in case of urgency, the Chairman may convene a special meeting of the Board and the Secretary shall inform the Members of the subject matter and reasons for which such meeting is considered necessary.

- (3) The time, date and place of each meeting of the Board shall be fixed by the Chairman.
- (4) Every notice calling the meeting of the Board shall be sent to every Member not less than twenty-one days before the day appointed for the meeting.

Provided that in case of special meeting for transacting urgent business, a notice of not less than seven days shall be given.

4. AGENDA FOR THE MEETING (1) The Chairman shall cause to be prepared and circulated to the Members at least twelve days before the ordinary meeting of the Board a list of business (along with a brief note on each item of the list) to be transacted at that meeting.
- (2) Any member can suggest any other item by sending a self contained proposal, in that behalf to the Chairman fifteen days before the day appointed for the meeting.
5. POWER TO INVITE EXPERTS OR PERSONS TO MEETINGS (1) The Chairman may invite one or more experts or persons to be present at any meeting of the Board to participate in the discussion on any matter technical or otherwise, but such experts or persons shall not be entitled to vote.
- (2) The Chairman may permit the Secretary or any other officer of the Board to attend the meeting and furnish such information as may be required by the Board but the Secretary or such other officer shall not be entitled to vote.
6. QUORUM FOR THE MEETING. The quorum for the meeting of the Board shall be four Members (out of which at least one member shall be from a participating State) besides the Chairman or the whole-time Member presiding over the meeting concerned as the case may be.
7. MINUTES OF THE MEETING The minutes of the meeting of the Board shall be circulated to every Member as soon as possible after the meeting.
- (2) The minute of the meeting of the Board shall be placed at the next meeting of the Board for confirmation.
- (3) When any business is transacted by circulation of papers, a record of the same shall be signed by the Chairman and the decision taken thereon shall be placed before the Board at its next meeting for confirmation.
8. CONSTITUTION OF COMMITTEES OR SUB-COMMITTEES The Board may constitute committees or sub-committees consisting of such number of experts or persons as it may think fit to advise the Board on matters connected with its affairs and specifically assign the terms of reference to them.
9. DELEGATION OF POWERS AND DUTIES TO THE CHAIRMAN The Chairman shall exercise the powers of the Board in relation to technical sanctions, administrative approval and sanctions regarding works, establishment and contingency.
10. DELEGATION OF POWERS AND DUTIES TO THE SECRETARY. (1) The Secretary shall authenticate and communicate all orders, sanctions and decisions of the Board in the name of the Board under his signature.
- (2) The Secretary shall be present to the Board the draft of annual report referred to in rule 14 of the Rules for its approval.

11. DELEGATION OF POWERS TO THE FINANCIAL ADVISER.-(1) The Financial Adviser shall be the principal officer of the Board to operate the Personal Ledger Account of the Board and issue necessary accounts instructions.

(2) He shall advise the Board on all financial matters of the Board.

(3) If at any stage during the financial year, there is any likelihood of the Personal Ledger Account of the Board showing a minus balance, he shall immediately take advance action to arrange to obtain adequate funds from the participating States and ensure that minus balance does not figure in the Personal Ledger Account.

(4) He shall be responsible for arranging pre-check of all claims, purchase proposals and other accounts transactions.

(5) The annual budget estimates of the Board shall be compiled by the Financial Adviser and he shall also be responsible for the preparation, maintenance and despatch of accounts, as provided in rules 12 (1) and 13 of the Rules.

(6) He shall bring any instance of delay and irregularities in the maintenance of accounts of the Board to the notice of the appropriate authorities.

(7) He shall arrange for verification of stores including tools and plants articles under the management of the Board and the extent and periodicity of such verification for each class of stores and tools and plants articles shall be fixed by him.

(8) He shall be responsible to carry out internal (post) audit of the financial and accounting transactions of the Board.

12. DELEGATION OF POWERS AND DUTIES OF OFFICERS OF THE BOARD.- The Officers subordinate to the Board shall exercise such powers as are contained in the relevant codes, rules, manuals, orders, regulations and the like specified in the Schedule I to the Rules in force in the State of Punjab (immediately before the first day of November 1966) as amended from time to time.

Sd/-

(J.S. SINGHOTA)
SECRETARY

Bhakra Beas Management Board

Particulars relating to the Principal regulation and subsequent amendments are given below:-

Principal Regulation-No.21161/Sub/B-916/4B

Dt.28.12.1976

Amendment.-

(1) No.16769/Sub/B-916/ASO dt.5.11.1979.-Annexure-'A'.

BHAKRA BEAS MANAGEMENT BOARD
CHANDIGARH THE 5TH NOVEMBER 1979

No. No.16769/Sub/B-916/ASO.- In exercise of the powers conferred by clauses (a) and (b) of sub-section (9) of Section 79 of the Punjab Reorganisation Act, 1966 (31 of 1966), the Bhakra Beas Management Board, with the approval of the Central Government, hereby makes following regulations to amend the Bhakra Beas Management Board (Conduct of meetings and Powers and Duties of Chairman and Officers of the Board) Regulations, 1976 namely:-

1. (1) These regulations may be called the Bhakra Beas Management Board (Conduct of meetings and Powers and Duties of Chairman and Officers of the Board) Amendment Regulations, 1979.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. In regulation 12 of Bhakra Beas Management Board (Conduct of meetings and Powers and Duties of Chairman and other Officers of the Board) Regulations 1976, the words "immediately before the 1st Day of November, 1966" shall be omitted.

Sd/-
(S.J.SINGHOTA)
SECRETARY
Bhakra Beas Management Board

THE BETWA RIVER BOARD ACT, 1976

(No.63 of 1976, 10th April, 1976)

As amended by Notification dated 16.12.1977 (No.47 of 1977)

An Act to provide for the establishment of a Board for the creation of a reservoir at Rajghat by construction, on behalf of the Governments of Madhya Pradesh and Uttar Pradesh, of a dam on the Betwa River at Rajghat and for the regulation of such reservoir.

Be it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:-

CHAPTER I

Preliminary

1. (1) This Act may be called the Betwa River Board Act, 1976.
(2) It shall come into force on such date as the Central Government may, after consultation with the Government of Madhya Pradesh and Uttar Pradesh, by notification in the Official Gazette, appoint.
2. It is hereby declared that it is expedient in the public interest that the Central Government should take under its control the regulation and development of the inter-state Betwa River and River Valley to the extent hereinafter provided.
3. In this Act, unless the context otherwise requires-
 - (a) "Board" means the Betwa River Board established under section 4;
 - (b) "Chairman" means the Chairman of the Board;
 - (c) "Executive Committee" means the Executive Committee constituted under section 5;
 - (d) "Member" means a member of the Board and include the Chairman;
 - (e) "prescribed" means prescribed by rules made by the Central Government under section 22;
 - (f) "Rajghat Dam" means the Dam described in the schedule.
 - (g) "Rajghat Reservoir" means the reservoir created by the construction of the Rajghat Dam;
 - (h) "regulations" means regulations made by the Board under section 23;
 - (i) "rules" means rules made by the Central Government under section 22.

CHAPTER II

ESTABLISHMENT OF THE BOARD

4. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established for the purposes of this Act, a Board to be called the Betwa River Board.
- (2) The Board 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 moveable and immovable, and to contract and shall be the said name sue and be sued.
- (3) The Union Minister in charge of Irrigation shall be the Chairman of the Board and the other members of the Board shall be the following, namely:-
- (a) where the same Union Minister is not in charge of both Irrigation and Power, the Union Minister in charge of Power or such Minister or Deputy Minister in the Union Ministry or Department in charge of power as may be specified in this behalf by the Union Minister in charge of Power;
- (b) the Chief Ministers of Madhya Pradesh and Uttar Pradesh; and
- (c) the Ministers of Madhya Pradesh and Uttar Pradesh in charge of Finance, Irrigation and Power.

Provided that when a proclamation made under article 356 of the constitution is in force in relation to the State of Madhya Pradesh or Uttar Pradesh, the Central Government may appoint three persons to represent such State on the Board and the persons so appointed shall vacate their offices upon the revocation or cesser of operation of such proclamation.

- (4) The Board may permit any officer of the Central Government or the Government of Madhya Pradesh or Uttar Pradesh to attend any of its meetings and take part in the proceedings but such officer shall not be entitled to vote.
- (5) The Board 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 Board relevant to the purpose for which he has been associated, but shall not be entitled to vote.

5. (1) The Central Government may, by notification in the Official Gazette, constitute an Executive Committee consisting of officers of that Government and officers of the Governments of Madhya Pradesh and Uttar Pradesh.
- (2) The composition of the Executive Committee shall be such as may be prescribed:
- Provided that-
- (a) an officer of the Central Government shall be the Chairman of the committee;
- (b) the Governments of Madhya Pradesh and Uttar Pradesh shall have equal representation.
- (3) Subject to the general superintendence and control of the Board, the management of the affairs of the Board shall vest in the Executive Committee and the Chairman and other members of the Committee shall assist the Board in such manner as the Board may require.
- (4) Subject to the rules, and to the directions of the Board, the Executive Committee may exercise any power and do any act or thing which may be exercised or done by the Board.
- (5) The procedure to be followed by the Executive Committee and all other matters relating to the Executive Committee shall be such as may be prescribed.

6. No. act or proceeding of the Board or the Executive Committee shall be invalidated by reason of-

- (a) any vacancy in the Board or the Executive Committee;
- (b) any defect in the composition of, or in any appointment to, the Board or the Executive Committee;
- (c) any irregularity in the procedure of the Board or the Executive Committee not affecting the merits of the case.

7. (1) The Central Government may, after consultation with the Governments of Madhya Pradesh and Uttar Pradesh, appoint an Engineer (to be the Chief Engineer of the Board and to be known as the Chief Engineer, Rajghat Dam Project) and a Financial Adviser, and a Secretary, to the Board from amongst the officers of the Governments of Madhya Pradesh and Uttar Pradesh;

Provided that the Central Government shall, so far as practicable, ensure that officers from the same State do not hold the posts of Chief Engineer and Secretary at the same time.

Provided further that the Central Government may with the concurrence of the Governments of Madhya Pradesh and Uttar Pradesh, appoint an officer of the Central Government as the Financial Adviser.

(2) Subject to the general superintendence and control of the Board and the Executive Committee, the Chief Engineer of the Board appointed under sub-section (1) shall be the Chief Executive Officer of the Board and shall exercise and discharge.

(a) such powers and duties as may be prescribed or as may be delegated to him by the Board;

(b) such other powers and duties as may be determined by regulations.

(3) The Financial Adviser appointed under sub-section (1) shall be the Chief Accounts Officer of the Board.

(4) The terms and conditions of service of the Chief Engineer of the Board, and of the Financial Adviser, and the Secretary, to the Board shall be such as may be prescribed.

8. (1) Subject to the rules, the Board may appoint such officers and employees as it may deem necessary for the efficient discharge of its functions;

Provided that the Board shall, as far as practicable, utilise the services of the officers and employees offered by the Governments of Madhya Pradesh and Uttar Pradesh in such a manner that equal representation is given to the two States.

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

9. Subject to the rules, the Board may from time to time, constitute one or more Advisory Committees to assist the Board and the Executive Committee in the efficient discharge of their functions.

CHAPTER III

FUNCTIONS AND POWERS OF THE BOARD

10. Subject to the other provisions of this Act and the rules, the Board may, if satisfied that the Governments of Madhya Pradesh and Uttar Pradesh have complied with or arranged to comply with the conditions specified in section 11.

- (a) carry out surveys and investigations in the Betwa Inter-State river valley and prepare a comprehensive project report for the construction of Rajghat Dam and appurtenant works and for the generation of power at Rajghat Dam, including the construction of a power house (hereinafter referred to as the Rajghat Power House) near the dam and appurtenant works and finalise the same after consulting the Governments of Madhya Pradesh and Uttar Pradesh and taking into account the suggestions if any made by those Governments;
- (b) prepare detailed reports and estimates in respect of the Project and allocate the cost among the Governments of Madhya Pradesh and Uttar Pradesh;
- (c) draw up standards and specifications for implementation of the project and for the maintenance thereof;
- (d) construct the Rajghat Dam and the Rajghat Power House and the common carrier from the dam to irrigate areas in Madhya Pradesh and Uttar Pradesh;
- (e) lay down rules of operation and management of Rajghat Dam;
- (f) perform any other function which is supplemental, in incidental, or consequential to all or any of the functions specified in clauses (a) to (e).

11. (1) The exercise by the Board of the functions specified in section 10 shall be subject to the following conditions, namely:-

- (i) that the Governments of Madhya Pradesh and Uttar Pradesh shall at all times make, to the satisfaction of the Board, suitable provisions as to the moneys, land facilities and electrical power for construction and all other things required by the Board.
- (ii) that the liability for the entire expenditure on the Rajghat Dam and Rajghat Power House including appurtenant works and on the generation of power at Rajghat Dam and all other expenditure incurred by the Board in the discharge of its functions shall be shared by the Governments of Madhya Pradesh and Uttar Pradesh in such proportion as may be specified by the Board;

Provided that the Board may specify different proportions for different works or matters having regard to the benefits which may accrue to the States and other relevant factors;

- (iii) that the Governments of Madhya Pradesh and Uttar Pradesh shall extend full co-operation to the Board and shall in particular make available to the Board the land and electric power required by it for construction purposes as expeditiously as possible.

(2) For the purposes of clause (ii) of sub-section (1) the expenditure on the Rajghat Dam shall include the expenditure incurred by the Government of Uttar Pradesh on the Rajghat Dam Project before the establishment of the Board and the Board shall determine the amount of expenditure so incurred by the Government of Uttar Pradesh and the extent to which it shall be reimbursed by the Government of Madhya Pradesh.

12. (1) Subject to the provisions of this Act and the rules, the Board shall have the power to do anything which may be necessary or expedient for the purpose of carrying out its functions under this Act.

(2) Without prejudice to the generality of the foregoing provisions, such power shall include the powers-

- (a) to acquire, hold and dispose of such properties both movable and immovable as the Board deems necessary;
- (b) to publish statistics or other information relating to the various aspects of flood control and drainage in the Betwa River Valley the regulation of Rajghat Reservoir and the generation of power at Rajghat Dam;
- (c) to require the Governments of Uttar Pradesh and Madhya Pradesh to furnish such information as the Board may require in the discharge of its functions.

CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT

13. (1) There shall be constituted a Fund to be called the Betwa River Board Fund and there shall be credited thereto the sums paid to the Board by the Governments of Madhya Pradesh and Uttar Pradesh and all other sums received by the Board.

(2) The fund shall be applied-

- (a) for meeting the salaries, allowances and other remuneration of the officers and other employees of the Board and other administrative expenses of the Board;
- (b) for meeting the expenditure on surveys and investigations undertaken by the Board;
- (c) for meeting the cost of construction of the Rajghat Dam, the Rajghat Power House and appurtenant works;
- (d) for meeting the other expenses of the Board in the discharge of its functions under this Act.

14. The Board shall prepare in such form and at such time each year as may be prescribed its budget for the next financial year showing the estimated expenditure, the amount of expenditure which the State Governments of Madhya Pradesh and Uttar Pradesh and Uttar Pradesh have undertaken to provide for and forward the same to the Central Government and the said State Governments.

15. (1) The Board shall prepare in such form and as such time each year as may be prescribed its annual report giving a full account of its activities during the previous year and forward copies thereof to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

(2) The Board shall forward copies of its annual reports to the Government of Madhya Pradesh and Uttar Pradesh.

16. The accounts of the Board shall be maintained and audited in such manner as may, in consultation with the Comptroller and Auditor General of India, be prescribed.

CHAPTER V

MISCELLANEOUS

In the discharge of its functions, the Board shall be guided by such directions and instructions on questions of policy as may be given to it by the Central Government.

18. If any dispute arises between the Board and the Government of Madhya Pradesh or Uttar Pradesh or both regarding any matter covered by this Act or touching or arising out of it, it shall be referred to the Central Government and the decision of the Central Government shall be final and binding on the Board and the said Governments.

19. Subject to any rules made in this behalf, any officer of the Board generally or specially authorised by the Board in this behalf may, at all reasonable times, enter upon any land or premises and there do such things as may be reasonably necessary for the purpose of lawfully carrying out any works or of making any surveys, examination or investigation, preliminary or incidental to the exercise of any power or the performance of any function by the Board under this Act.

Provided that no person shall enter into any building or upon 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 seven days notice in writing of his intention to do so.

20. All members of the Board and the Executive Committee and all officers and employees of the Board shall be deemed, when acting or purporting to act in pursuance of any the provisions of this Act to be public servants within the meaning of section 21 of the Indian Penal Code.

21. (1) No suit, prosecution or other legal proceedings shall lie against the Central Government or the Madhya Pradesh or the Uttar Pradesh or any member of the Board or Executive Committee or any officer or employee of the Board for anything which is in good faith done or intended to be done under this Act or the rules or regulations.

(2) No suit or other legal proceedings shall lie against the Board 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 Board to provide for relief measures necessitated by floods or by breaches and failure of works.

22. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

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

- (a) the composition of, and the procedure to be followed, by the Executive Committee, and all other matters relating to the Executive Committee, under sub-section (2) and (5) of section 5;
- (b) the powers and duties which may be exercised or discharged by the Chief Engineer of the Board, under clause (a) of sub-section (2) of section 7;

- (c) the terms and conditions of service of the Chief Engineer, and the Financial Adviser and the Secretary to the Board, under sub-section (4) of section 7;
- (d) appointment of officers and employees of the board, sub-section (1) of section 8;
- (e) the form in which and the time at which the budget and annual report of the Board shall be prepared, under section 14 and sub-section (1) of section 15;
- (f) the manner in which the accounts of the board shall be maintained and audited, under section 16;
- (g) the form and manner in which disputes may be referred under section 18 to the Central Government and the procedure to be followed by the Central Government for the settlement of such disputes.

23. (1) The Board may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations not inconsistent with this Act and the rules, for enabling it to discharge its functions under this Act.

(2) 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 Board may associate with itself any persons, under sub-section (5) of section 4;
- (b) the powers which may be exercised and the duties which may be discharged by the Chief Engineer of the Board, under sub-section (2) (b) of section 7;
- (c) the terms and conditions of service of the officers (other than the Chief Engineer of the Board, Financial Adviser and Secretary to the Board) and other employees of the board, under sub-section (2) of section 3.

24. 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 successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation, as the case may be, or both Houses agree that the rule or regulation, as the case may be, 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.

THE SCHEDULE

[See section 3 (f)]

Description of Rajghat Dam

The Dam is to be built across the Betwa River about one furlong upstream of Lalitpur Chanderi causeway at Rajghat on the River Betwa, District Lalitpur, of Uttar Pradesh. The Dam will comprise a masonry section in the river bed and earthen flanks on both sides. It will also include the earth dam to be constructed in the saddles on either side for creating a reservoir.

(K.K.SUNDARAM)

Secretary to the Government of India

THE WATER (PREVENTION AND CONTROL OF
POLLUTION) CESS ACT, 1977¹

NO. 36 OF 1977

[7th December, 1977]

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 7th December, 1977

The following Act of Parliament recieved the assent of the President on the 7th December, 1977, and is hereby published for general information:-

An Act to provide for the levy and collection of a cess on water consumed by persons carrying on certain industries and by local authorities, with a view to augment the resources of the Central Board and the State Board and the State Boards for the prevention and control of water pollution constituted under the Water (Prevention and Control of Pollution) Act, 1974.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:-

1. (1) This Act may be called the Water (Prevention and Control of Pollution) Cess Act, 1977.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) Subject to the provisions of sub-section(2), it applies to all the States to which the Water (Prevention and Control of Pollution) Act, 1974 applies and the Union Territories.

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

2. In this Act, unless the context otherwise required:-

(a) "local authority" means a municipal corporation or a municipal council (by whatever name called) or a cantonment board or any other body, entrusted with the duty of supplying the water under the law by or under which it is constituted:

(b) "prescribed" means prescribed by rules made under this Act:

1 Source: The Gazette of India, Extraordinary, Part II, Section I, dated 7th December, 1977

(c) " specified industry" means any industry specified in Schedule I:

(d) words and expressions used but not defined in this Act and defined in the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) shall have the meanings respectively assigned to them in that Act.

3. (1) There shall be levied and collected a cess for the purpose of the the Water (Prevention and Control of Pollution Act, 1974 (6 of 1974) and utilisation thereunder,

(2) The cess under sub-section (1) shall be payable by -

- (a) every person carrying on any specified industry; and
- (b) every local authority.

and shall be calculated on the basis of water consumed by such person or local authority, as the case may be, for any of the purposes specified in column (1) of Schedule II, at such rate, not exceeding the rate specified in the corresponding entry in column (2) thereof, as the Central Government may, by notification in the Official Gazette, from time to time, specify.

1[(2A), Where any person carrying on any specified industry or any local authority consuming water for domestic purpose liable to pay cess fails to comply with any of the provisions of section 25 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) or an of the standards laid so down by the Central Government under the Environment (Protection) Act, 1986 cess shall be, notwithstanding anything contained in sub-section (2) of this section, calculated and payable at such rate not exceeding the rated specified in column (3) of Schedule II, as the Central Government may, by notification in the Official Gazette, from time to time specify.]

3. Where any local authority supplies water to any person carrying on any specified industry or to any other local authority and such person or other local authority is liable to pay cess under sub-section (2) or sub-section (2A) in respect of the water so supplied, then, notwithstanding anything contained in that sub-section, the local authority first mentioned shall not be liable to pay such cess in respect of such water.

Explanation - For the purpose of this section and section 4. "consumption of water" includes supply of water.

4. (1) For the purpose of measuring and recording the quantity of water consumed, every person carrying on any specified industry and every local authority shall affix meters of such standards and at such places as may be prescribed and it shall be presumed that the quantity indicated by the meter has been consumed by such persons or local authority, as the case may be, until the contrary is proved.

¹ Inserted by Act No. 53 of 1991, S.2.

(2) Where any person or local authority fails to affix any meter as required by sub-section(1), the Central Government shall after notice to such person or local authority, as the case may be, cause such meter to be affixed and the cost of such meter together with the cost for affixing the meter may be recovered from such person or local authority by the Central Government in the same manner as an arrear of land revenue.

¹[(1)] Every person carrying on any specified industry and every local authority, liable to pay the cess under section 3, shall furnish such returns, in such form at such intervals and containing such particulars to such officer or authority, as may be prescribed.

²[(2) If a person carrying on any specified industry or a local authority, liable to pay the cess under section 3, fails to furnish any return under sub-section (1), the officer or the authority shall give a notice requiring such person or local authority to furnish such return before such date as may be specified in the notice]

6(1) The officer of authority to whom or which the return has been furnished under section 5 shall, after making or causing to be made such inquiry as he or it thinks fit and after satisfying himself or itself that the particulars stated in the return are correct, by order, assess the amount of cess payable by the concerned person carrying on any specified industry or local authority, as the case may be.

³[(1A)] If the return has not been furnished to the officer or authority under sub-section (2) of section 5, he or it shall, after making or causing to be made such inquiry as he or it thinks fit, by order, assess the amount of cess payable by the concerned person carrying on any specified industry or local authority, as the case may be.]

(2) An order of assessment made under sub-section (1) or sub-section (1A) shall specify the date within which the cess shall be paid to the State Government.

(3) A copy each of the order of assessment made under sub-section (1) or sub-section (1A) shall be sent to the person or, as the case may be, to the local authority concerned and to the State Government.

(4) The State Government shall, through such of its officers or authorities as may be specified by it in this behalf by notification in the Official Gazette, collect the cess from the person or local authority liable to pay the same and pay the amount so collected to the Central Government in such manner and within such time as may be prescribed.

1. Renumbered by Act No. 53 of 1991, s. 3.

2. Inserted by *ibid*, s 3

3. Inserted by Act No. 53 of 1991, s. 4

7. Where any person or local authority, liable to pay the cess under this Act, installs any plant for the treatment of sewage or trade effluent such person or local authority shall from such date as may be prescribed, be entitled to a rebate of twenty five percent of the cess payable by such person or, as the case may be, local authority.

¹[Provided that a person or local authority shall not be entitled to a rebate, if he or it -

(a) consumes water in excess of the maximum quantity as may be prescribed in this behalf for any specified industry or local authority, or

(b) fails to comply with any of the provisions of section 25 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) or any of the standards laid down by the Central Government under the Environment (Protection) Act, 1986 (29 of 1986).]

8. The proceeds of the cess levied under section 3 shall first be credited to the Consolidated Fund of India and the Central Government may, if Parliament by appropriation made by law in this behalf, so provides, pay to the Central Board and every State Board, from time to time, from out of such proceeds, after deducting the expenses on collection, such sums of money as it may think fit for being utilised under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974).

Provided that while determining the sum of money to be paid to any State Board under this section, the Central Government shall have regard to the amount of cess collected by the State Government concerned under sub-section (4) of section 6.

Explanation - For the purpose of this section, "State Board" includes a Joint Board, if any, constituted under section 13 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974).

9. Any officer or authority of the State Government specially empowered in this behalf by that Government may, -

(a) with such assistance, if any, as he or it may think fit, enter at any reasonable time any place which he or it considers it necessary to enter for carrying out the purposes of this Act including the testing of the correctness of the meters affixed under section 4.

(b) do within such place anything necessary for the proper discharge of his or its duties under this Act; and

(c) exercise such other powers as may be prescribed.

10. If any person carrying on any specified industry or any local authority fails to pay any amount of cess payable under section 3 to the State government within the date specified in the order of assessment made under section 6, such person or local authority, as the case may be, shall be liable to pay ²[interest on the amount to be paid at the rate of two percent for every month or part of a month comprised in the period from the date on which such payment is due till such amount is actually paid].

1 Inserted by Act No. 53 of 1991, s. 5

2 Substituted by Act No. 53 of 1991, s. 6

11. If any amount of cess payable by any person carrying on any specified industry or any local authority under section 3 is not paid to the State Government within the date specified in the order of assessment made under section 6, it shall be deemed to be in arrears and the authority prescribed in this behalf may, after such inquiry as it deems fit, impose on such person or, as the case may be, local authority, a penalty not exceeding the amount of cess in arrears.

Provided that before imposing any such penalty, such person or, as the case may be, the local authority shall be given a reasonable opportunity of being heard and if after such hearing the said authority is satisfied that the default was for any good and sufficient reason, no penalty shall be imposed under this section.

12. Any amount due under this Act (including any interest or penalty payable under section 10 or section 11, as the case may be) from any person carrying on any specified industry or from any local authority may be recovered by the Central Government in the same manner as an arrear of land revenue.

13. (1) Any person or local authority aggrieved by an order of assessment made under section 6 or by an order imposing penalty made under section 11 may, within such time as may be prescribed, appeal to such authority in such form and in such manner as may be prescribed.

(2) Every appeal preferred under sub-section (1) shall be accompanied by such fees as may be prescribed.

(3) After the receipt of an appeal under sub-section (1), the appellate authority shall after giving the appellant an opportunity of being heard in the matter, dispose of the appeal as expeditiously as possible.

(4) Every order passed in appeal under this section shall be final and shall not be called in question in any court of law.

14. (1) Whoever, being under an obligation to furnish a return under this Act, furnishes any return knowing, or having reason to believe, the same to be false shall be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

(2) Whoever, being liable to pay cess under this Act willfully or intentionally evades or attempts to evade the payment of such cess shall be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

(3) No court shall take cognizance of an offence punishable under this section save on a complaint made by or under the authority of the Central Government.

15. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation - For the purpose of this section -

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to firm, means a partner in the firm.

16. (1) The Central Government may, by notification in the Official Gazette, add to Schedule I any industry having regard to the consumption of water in the carrying on of such industry and the consequent discharge thereof resulting in pollution of any stream and thereupon Schedule I shall subject to the provisions of sub-section (2), be deemed to be amended accordingly.

(2) Every such notification shall be laid before each House of Parliament, if it is sitting, as soon as may be after the issue of the notification, and if it is not sitting, within seven days of its re-assembly and the Central Government shall seek the approval of Parliament to notification by a resolution moved within a period of fifteen days beginning with the day on which the notification is so laid before the House of the People, and if Parliament makes any modification in the notification or directs that the notification should cease to have effect, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, but without prejudice to the validity of anything previously done thereunder.

17. (1) The Central Government may make rules for carrying 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 standards of the matters to be affixed and the places at which such meters are to be affixed under sub-section (1) of section 4.

(b) the return to be furnished under section 5, the form in which and the intervals at which such returns are to be furnished, the particulars which such returns contain and the officer or authority to who or which such returns shall be furnished;

(c) the manner in which and the time within which the cess collected shall be paid to the Central Government under sub-section (4) of section 6.

(d) the date from which any person or local authority liable to pay cess shall be entitled to the rebate ¹[and the maximum quantity of water in excess of consumption whereof any person or local authority shall not be entitled to the rebate] under Section 7.

(e) the powers which may be exercised by the officer or authority under Section 9.

(f) the authority which may impose penalty under Section 11.

(g) the authority to which an appeal may be filed under sub-section(1) of Section 13 and the time within which and the form and manner in which such appeal may be filed.

(h) the fees which shall accompany an appeal under sub-section (2) of Section 13, and

(i) any other matter which has to be or may be prescribed.

3. Every rule 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 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 both Houses agree that the rule should not be made, the rule 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.

SCHEDULE I [See Section 2(c)]

1. Ferrous metallurgical industry.
2. Non-ferrous metallurgical industry
3. Mining industry
4. Ore processing industry
5. Petroleum industry.
6. Petro-chemical industry.
7. Chemical industry
8. Ceramic industry.
9. Cement industry.
10. Textile industry, ² [including cotton synthetic and semi-synthetic fibres manufactured from these fibres].
11. Paper industry.
12. Fertilizer industry.
13. Coal (including coke) industry.
14. Power (theremal and diesel) generating industry.
15. Processing of animal or vegetable products industry ³ [including processing of milk meat, hides and skins, all agricultural products and their wastes].

Inserted by Act No. 53 of 1991 s. 7.

^{1&2} Added by Gazette Notification No. G.S.R.14(F) dated 02.01.1992.

¹[SCHEDULE II]
(See Section 3)

Purpose for which water is consumed	Maximum rate under sub-section (2) of section 3	Maximum rate under sub-section (2A) of section 3
1	2	3
1. Industrial cooling, spraying in mine pits or boiler feeds	One and a half paise per kilo litre	Two and one-fourth paise per kilo litre
2. Domestic purpose	Two paise per kilo litre	Three paise per kilo-litre.
3. Processing whereby water gets polluted and the pollutants are easily bio-degradable and are toxic.	Four paise per kilo litre	Seven and a half paise per kilo litre.
4. Processing whereby water gets polluted and the pollutants are not easily bio-degradable and are toxic.	Five paise per kilo litre	Seven and a half paise per kilo litre.

1. Substituted by Act No. 53 of 1991 .s.8.

MINISTRY OF WORKS AND HOUSING

NOTIFICATION

New Delhi, the 24th July, 1978

G.S.R. 378(E). - In exercise of the powers conferred by section 17 of the Water (Prevention and Control of Pollution) Cess Act, 1977 (36 of 1977), the Central Government hereby makes the following rules, namely:-

1. (a) These rules may be called the Water (Prevention and Control of Pollution) Cess Rules, 1978;

(b) They shall come into force on the date of their publication in the official Gazette;

2. In these rules, unless the context otherwise requires:-

(a) "Act" means the Water (Prevention and Control of Pollution) Cess Act, 1977 (36 of 1977);

(b) "assessing authority" means-

¹ [(i) in relation to a Union Territory the Member Secretary of the Central Pollution Control Board or any person or body of person as the Central Government may specify, and]

(ii) in relation to a State, the member secretary of the State Board.

(c) "consumer" means a person or local authority by whom the cess under sub-section (1) of section 3 is payable under sub-section (2) of that section.

(d) "form" means a form annexed to these rules;

(e) "section" means a section of the Act;

(f) "State Government", in relation to a Union Territory, means the Administrator thereof appointed under article 239 of the Constitution.

3. (1) For the purposes of measuring and recording the quantity of water reconsumed, every consumer shall affix water meters, venturi meters or Orifice meters with integrators and recorders in conformity with the standards laid down by the India Standards Institution and where no standards have been laid down by that Institution in conformity with such standard as may be specified by the Board.

(2) Wherever the meters referred to in sub-section(1) are not available, the consumer shall install Vee notches or rectangular notches with indicators and records of pressure gauges and pumping installations, after obtaining the permission of the assessing authority.

1. Substituted by Rule 2 of the Water (Prevention and Control of Pollution) Cess Amendment Rules, 1991 Published in the Gazette notification No. G.S.R. 504(E) dt. 25.7.1991.

(3) Every consumer shall provide a separate meter for assessing the quantity of water used for each of the four purposes mentioned in column (1) of Schedule II to the Act.

(4) The meters shall be affixed at the entrance of the water supply connections within the premises of the consumer or at any other place to be approved by the assessing authority, so that such meters are easily accessible for inspection and maintenance and for other purposes of the Act:

Provided that the place where the meter is affixed shall, in no case be at a point before which water has been tapped by the consumer for utilisation for any purpose whatsoever.

4.¹ [(1) Every consumer shall furnish on or before the 5th of every calendar month, to the assessing authority, a return in Form 1 showing the quantity of water consumed in the previous month.]

² [(2) If the Consumer fails to submit the return as specified in sub-rule (1) the assessing authority or the officer authorised in this regard shall issue a notice in Form 1A].

5. (1) Every State Government shall remit to the Central Government, the amount of cess collected from the consumer before the 10th day of the calendar month succeeding the month in which it is collected from the consumer.

(2) The amount of cess referred to in sub rule (1) shall be remitted to the Central Government in the form of a bank draft in favour of the Pay and Accounts Officer, Ministry of Works and Housing, New Delhi in whose books of accounts, the receipts would be adjusted finally.

(3) On receiving the bank draft, the Ministry of Works and Housing shall remit through a Challan into the Reserve Bank of India, New Delhi, for the purpose of crediting under relevant Major Head.

6. Where a consumer installs any plant for the treatment of sewage or trade effluent, such consumer shall be entitled to the rebate under section 7 on and from the expiry of fifteen days from the date on which such plant is successfully commissioned and so long as it functions successfully.

³ [Provided that a Consumer shall not be entitled to the rebate if he;

(a) Consumes water in excess of the maximum quantity specified in column (3) of the First Schedule appended to these rules for the category of industries specified in the corresponding entry in column (2) relating to the specified industry given in column (1) thereto or.

1&2. Renumbered by Rule 2 of the Water (Prevention and Control of Pollution) Cess Amendment Rules, 1992, G.S.R. 311 (E) dated 28.2.1992.

3. Added by rule 3 of the Water (Prevention and Control of Pollution) cess Amendment Rules 1992 G.S.R. 311 (E) dated 28.2.1992.

(b) Fails to comply with any of the provisions of section 25 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) or any of the standards laid down by the Central Govt. under the Environment (Protection) Act, 1986 (29 of 1986).]

7. The Officer or authority of the State Government specially empowered under section 9 shall have, in addition to the powers referred to in clauses (a) and (b) of that section, the power to:-

(i) inspect the manufacturing process or plants of the consumer.

(ii) inspect the water supply systems and installations in the plant of the consumer.

(iii) inspect waste treatment system and installations in the plant of the consumer.

(iv) inspect the drainage system and installations, including storm water disposal in the plant of the consumer.

(v) call for and inspect records relating to the use and consumption of materials and water, and those relating to production, in the plant of the consumer.

(vi) call for and inspect the records relating to power consumption in the plant of the consumer; and

(vii) call for any other information or records relating to the supply, consumption and treatment of water in the plant of the consumer.

8. The authority to impose penalty under section 11 shall be the assessing authority.

9(1) Any consumer aggrieved by an order of assessment made under section 6 or by an order imposing penalty made under section 11 may appeal in Form 11 annexed hereto, to a Committee (hereinafter referred to as the appellate committee) consisting of -

(a) Where the assessing authority is the member-secretary of the Central Board the Chairman of the Board, who shall be the Chairman of the committee, and two members of that Board, to be nominated by the Chairman thereof.

(b) Where the assessing authority is the member-secretary of the State Board, the Chairman of that Board who shall be chairman of the Committee, and two members of that Board, to be nominated by the Chairman thereof.

(2) Such appeal shall state the facts of the case and the grounds relied upon by the appellant for preferring the appeal and shall be accompanied by a copy of the order of assessment made under section 6 or a copy of the order imposing penalty made under section 11, as the case may be.

(3) Such appeal shall be preferred within a period of thirty days from the date of communication of the order of assessment or the order imposing penalty on the appellant.

Provided that if the Chairman of the appellate Committee is satisfied that there was good and sufficient reason for the delay in preferring the appeal, he may, for reasons to be recorded in writing allow the appeal to be preferred after the expiry of the aforesaid period of thirty days and before the expiry of forty-five days from the date of communication of the order of assessment, or the order imposing penalty, on the appellant.

(4) Every appeal shall be accompanied by a fees of rupees fifty.

(No. Q. 17013/1/78-EPC
MIR NASRULLAH, Jt. Secy.

FORM I

(See rule 4)

Return regarding Water consumed during the month of _____

Name and Address of the consumer	Purpose for which water consumed	Reading at the beginning of the first day of the month under report.	Reading at the end of the last day of the month under report.	Quantity of water consumed in Kilo litres.	If the meter was out of order the monthly average consumption of the water for the previous 3 months of working period.	Quantity of water qualifying for rebate according to the assessee.	Remarks (*)
1	2	3	4	5	6	7	8
1.	Industrial cooling spray- ing in mine pits or boiler feed.	(i) (ii) (iii) (iv) (v)	from Municipal water supply mains from well/tubewell from canal from river from any other source				
2.	Domestic purpose.	(i) (ii) (iii) (iv) (v)	from Municipal water supply mains. from well/tubewell from canal from river. from any other source.				
3.	Processing whereby water gets polluted and the pollutants are easily bio-degradable.	(i) (ii) (iii) (iv) (v)	from Municipal water supply mains. from well/tubewell from canal from river. from any other source.				
4.	Processing whereby water gets polluted and the pollutants are not easily bio-degradable and are toxic.	(i) (ii) (iii) (iv) (v)	from Municipal water supply mains. from well/tubewell from canal from river. from any other source.				

(*) for claiming rebate under col. 7 the assessee shall indicate in this column the analytical and other reports to this return in support of this claim.

Signature of the consumer
Name
Address

ANNEXURE TO FORM I

Report of Analysis of treated effluent showing performance of the treatment plant - For the month of _____

Sample collected on _____
Sample tested on _____
By the laboratories _____

S.No.	Polluting parameters as mentioned in the conditions imposed under consent granted under section 25/26 of the Water (Prevention and Control of Pollution) Act 1974	Maximum permissible limits or ranges allowed as per consent conditions.	Concentration of range of parameters per report.	Dates on which There was break down or failure of the plant.	On which under performance was noticed.
1	2	3	4	5	6

Signature _____
Due _____
Name _____
Address _____

¹ [FORM IA

[See rule 4(2)]

Name of the Board

No.

Dated _____

Notice under Section 5(2) of the Water (Prevention and Control of Pollution) Cess Act, 1977)

To
Name and Address of the Consumer,
Assessment period:

Whereas you were required to furnish a return as provided under sub-section (1) of section 5 of Water (Prevention & Control of Pollution) Cess Act, 1977 36 of 1977 read with the sub-rule (1) of 3 of the Water (Prevention and Control of Pollution) Cess Rules 1978 by the 5th of _____

1. Inserted by rule 3 of the Water (Prevention and Control of Pollution) Cess Amendment Rules 1992 G.S.R. (6) dated 28.2.1992.

And whereas you have failed to furnish the return by the said date.

Now, therefore, you are hereby called upon to furnish the return within 7 days from the date of receipt of this Notice.

In case no return is received within the said period of 7 days, action will be taken for making assessment as per sub-section (IA) of section 6 of the aforesaid Act, ex parte besides initiating any other legal action as per law against you.

Issuing authority

Place

Name

Date:

Address

FORM II

(See rule 9)

(FORM OF MEMORANDUM OF APPEAL).

Before _____ (**)

(here mention the name and designation of the authority)

Memorandum of appeal under section 13 of the Water (Prevention and Control of Pollution) Cess Act. 1977.

Appeal No. _____ of 19 _____

(here furnish complete postal address)

Vs

Appellant

(here mention the name and designation of assessing authority)

Respondent

The appellant named above begs to prefer this memorandum of appeal against the order dated _____ passed by _____ on the following facts and grounds:

FACTS

(here briefly mention the facts of the case)

GROUND

(here mention the grounds on which the appeal is made)

- 2.
- 3.
- 4.

PRAYER

In the light of what is stated above, the appellant respectfully prays that he/she/it may be exempted from the payment of Cess.

He/she/it may be allowed a rebate of 70 percent as provided for in the Act and the amount of Cess reduced to Rs. _____

the amount of Cess has not been correctly assessed and that it may be reduced to Rs. _____

the penalty imposed on him/her/it has been wrongfully imposed and should be set aside.

the penalty imposed on him/her/it is excessive and should be suitably reduced on the basis of the facts as stated.

2. The amount of Rs. _____ (Rupees _____) as fee for this appeal has been paid to _____ vide receipt No. _____ dated _____

Place:

Signature of the Appellant

Date:

Name

Address

¹[SCHEDULE
(See rule 6)

Sl.No.	Name of Industry	Category	Maximum quantity of Water
1	2	3	4
1.	Ferrous Metallurgical	Integrated Iron & Steel	20 Cubic metres per tonne of finished steel.
2.	Non-ferrous Metallurgical	(a) Copper Smelters	100 Cubic metres per tonne of copper produced.
		(b) Zinc Smelters	50 Cubic metres per tonne of Zinc metal produced.
3.	Chemical	(a) Caustic Soda	5 Cubic metres per tonne of caustic soda produced./
		(i) Mercury Cell-process	(excluding cooling water) and 5 cubic metres per tonne of caustic soda produced for cooling water.
		(ii)	5 Cubic metre per tonne of caustic soda including cooling water.
4.	Textile	(a) Manmade fibre	
		(i) Nylon & Polyester.	170 Cubic metre per tonne fibre produced.
		(ii) Viscose rayon	200 Cubic metre per tonne of fibre produced.
5.	Paper	(a) Small Pulp and paper	
		(i) Agro-residue based	200 Cubic metre tonne of paper.
		(ii) Waste Paper based	75 Cubic metre tonne of paper.
		(b) Large Pulp & Paper	
		(i) Pulp and Paper	250 Cubic metre per tonne of paper.
		(ii) Rayon grade Paper	200 Cubic metre per tonne of paper.
		(a) Straight nitrogenous fertilizer.	15 Cubic metre per tonne of urea or equivalent produced.
6.	Fertilizer	(b) Straight phosphatic fertilizer (single super phosphate and Triple super	2 Cubic metre per tonne of Single Super Phosphate/Triple super phosphate.

1. Added by Rule 5 of the Water (Prevention and Control of Pollution) Cess Amendment Rules, 1992 G.S.R. 31 (E) dated 28.2.1992.

1	2	3	4
		phosphate) ex-including manufacture of any acid.	
	(c) Complex Fertilizer		15 cubic metre per tonne in case the primary product is nitrogenous fertilizer and 2 cubic metre per tonne in case the primary product is a phosphatic fertilizer.
7. Processing of animal or vegetable products industry including processing of milk, meat, hides, and skins all agricultural products and their waste.	(a) Tanneries (b) Natural rubber (c) Starch, glucose and related products (d) Dairy (e) Jute (f) Sugar (g) Maltry (h) Brewery (i) Distillery		30 cubic metre per tonne of raw hide. 6 cubic metre per tonne of rubber. 10 cubic metre per tonne of maize crushed. 4 cubic metre per kilo litre of milk. 1.5 cubic metre per tonne of jute produced. 2 cubic metre per tonne of cane crushed 8.5 cubic metre per tonne of grain processed. 1 cubic metre per kilo litre of beer produced 15 Cubic metre per kilo the alcohol produced.

[No.1(14)/91-PL/CPA]
N.BAGCHI, Director Pollution

Footnote:- The Principal Rules were published in the Gazette of India
vide Notification G S.R.378(E) dated the 4th July, 1978.

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 28th February, 1992

S.O. 182(E). - In exercise of the powers conferred by sub-section(2) and sub-section (2A) of section 3 of the Water (Prevention and Control of Pollution) Cess Act, 1977 (36 of 1977) and in supersession of the notification of the Government of India in the Ministry of Works and Housing number G.S.R. 190(E), dated the 23rd March, 1978 except as respects things done or omitted to be done before such supersession, the Central Government hereby specifies

- (a) the rate of cess given in column(2) of the Table below as the rates of cess payable by every person carrying on an industry specified in Schedule I of the aforesaid Act and by every local authority, calculated on the basis of the Water consumed by him or it for the purpose mentioned in the corresponding entry in column(1) thereof: and
- (b) the rates of cess given in column (3) of the Table below as the rates of cess payable by a person carrying on an industry specified in Schedule I of the aforesaid Act and by every local authority consuming water for domestic purpose calculated on the basis of the Water consumed by him or it, for the purpose mentioned in the corresponding entry in column(1) thereof, if he or it fails to comply with any of the provisions of section 25 of the Water (prevention and Control of Pollution) Act, 1974 (6 of 1974) or any of the standards laid down by (the Central Government under the Environment (Protection) Act, 1986 (29 of 1986).

TABLE

Purpose for which water is consumed	Rate of cess under sub-section(2) of section 3.	Rate of cess under sub-section (2A) of section 3.
1. Industrial cooling, spraying in mine pits or boiler feeds	One and a half paise per kilolitre	Two and one-fourth paise per kilo litre
2. Domestic purpose	Two paise per kilo litre	Three paise per kilolitre.
3. Processing whereby water gets polluted and the pollutants are easily bio-degradable.	Four paise per kilo litre	Seven and a half paise per kilo litre
4. Processing whereby water gets polluted and the pollutants are not easily bio-degradable.	Five paise per kilo litre	Nine and a half paise per kilo litre

[No. 1(14)91-PL/CPA]

N.BAGCHI, Director, Control of Pollution

Published in the Gazette No. 166 dt. 5.3.1992

THE BRAHMAPUTRA BOARD ACT, 1980

NO. 46 of 1980

(1st September, 1980)

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 3rd September, 1980

The following Act of Parliament received the assent of the President on the 1st September, 1980 and is hereby published for general information.

An Act to provide for the establishment of a Board for the planning and integrated implementation of measures for the control of floods and bank erosion in the Brahmaputra Valley and for matters connected therewith.

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Brahmaputra Board Act, 1980.
(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. It is hereby declared that it is expedient in the public interest that the Central Government should take under its control the regulation and development of the inter State Brahmaputra river valley to the extent hereinafter provided.
3. In this Act, unless the context otherwise requires -
 - (a) "Board" means the Brahmaputra Board established under section 4.
 - (b) "Brahmaputra Valley" means the Inter State Brahmaputra river valley as demarcated under section 11:
 - (c) "Fund" means the Brahmaputra Board Fund constituted under section 19:
 - (d) "Master Plan" means the Master Plan for the control of floods, bank erosion and improvement of drainage in the Brahmaputra Valley prepared under section 12 and includes, where it is prepared in parts, each such part:
 - (e) "member" means a member of the Board.
 - (f) "prescribed" means prescribed by rules made under this Act:
 - (g) "regulations" means regulations made by the Board under this Act:
 - (h) "rules" means rules made by the Central Government under this Act:
 - (i) "State Government", in relation to a Union Territory, means the administrator thereof appointed under article 239 of the Constitution.

CHAPTER II

ESTABLISHMENT OF THE BOARD

4. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established for the purposes of this Act a Board, to be called the Brahmaputra Board.
- (2) The Board 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 be the said name sue and be sued.
- (3) The Board shall consist of the following members, namely:-
- (a) a Chairman and a Vice-Chairman to be appointed by the Central Government;
- (b) The General Manager of the Board and the Financial Adviser to the Board, ex officio;
- (c) a member each to represent respectively the Governments of Assam, Meghalaya, Nagaland, Manipur and Tripura and the Administrations of Arunachal Pradesh and Mizoram, and the North-Eastern Council constituted under section 3 of the North-Eastern Council Act, 1971, to be appointed by the Central Government;
- (d) a member each to represent respectively the Ministries of the Central Government dealing with agriculture, irrigation, finance, power and transport to be appointed by the Central Government.
- (e) a member each to represent respectively the Central Water Commission, the Central Electricity Authority, the Geological Survey of India, the India Meteorological Department, to be appointed by the Central Government.
- (4) If any member, for infirmity or otherwise, is incapable of carrying out his duties or is absent on leave otherwise than in circumstances not involving the vacation of his appointment the Central Government may appoint another person to act in his place.
- (5) Any officer of the Central Government not being a member of the Board, if deputed by that Government in this behalf, shall have the right to attend the meetings of the Board and take part in the proceedings thereof, but shall not be entitled to vote.
- (6) The Board 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 this discussions of the Board relevant to the purpose for which he has been associated, but shall not be entitled to vote.

(7) No act or proceeding of the Board shall be invalidated merely by reason of -

- (a) any vacancy in, or any defect in the constitution of, the Board; or
- (b) any defect in the appointment of a person acting as a member of the Board; or
- (c) any irregularity in the procedure of the Board not affecting the merits of the case.

(8) Subject to any rules made under this Act, the Board may constitute a Standing Committee consisting of the General Manager of the Board, Financial Adviser to the Board and three other members of the Board.

(9) The Standing Committee constituted under sub-section(8) shall perform, exercise and discharge such of the functions, powers and duties of the Board as may be prescribed or as may be delegated to it by the Board.

5. The term of office of the members (other than the ex officio members) and other conditions of service of the members shall be such as may be prescribed

6. (1) The Chairman shall, in addition to presiding over the meetings of the Board, exercise and discharge such powers and duties of the Board as may be delegated to him by the Board and such other powers and duties as may be prescribed.

(2) The Vice-Chairman of the Board 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 Chairman.

7. (1) The Central Government shall appoint the General Manager of the Board.
- (2) The terms and conditions of service of the General Manager shall be such as may be prescribed.
- (3) Subject to the general superintendence and control of the Board and the Chairman of the Board, the General Manager shall be the Chief Executive Authority of the Board.
- (4) The General Manager 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 Chairman, and such other powers and duties as may be prescribed by rules or determined by regulations.
8. (1) The Central Government shall appoint the Financial Adviser to the Board.
- (2) The terms and conditions of service of the Financial Adviser shall be such as may be prescribed.

9. (1) The Central Government shall appoint -
- (a) two Chief Engineers to assist the General Manager of the Board; and
 - (b) the Secretary to the Board.
- (2) The Board may appoint such other officers and employees as it considers necessary for the efficient discharge of its functions under this Act.
- (3) The terms and conditions of service of the Chief Engineers, the Secretary and other officers and employees of the Board shall be such as may be determined by regulations.
10. Subject to any rules made in this behalf, the Board may from time to time constitute such Advisory Committees as may be necessary for the efficient discharge of its functions.

CHAPTER III FUNCTIONS AND POWERS OF THE BOARD

11. (1) As soon as may be after the commencement of this Act, the Central Government shall, by notification in the Official Gazette, demarcate the limits of the Brahmaputra Valley for the purposes of this Act.
- (2) The Board shall perform such of its functions and exercise such of the powers within such areas in the Brahmaputra Valley as the Central Government may, by notification in the Official Gazette specify from time to time.

Provided that before issuing any notification in respect of any area under this sub-section, the Central Government shall consult the Government of the State within which such area is situated.

12. (1) Subject to the other provisions of this Act and the rules, the Board shall carry out surveys and investigations in the Brahmaputra Valley and prepare a Master Plan for the control of floods and bank erosion and improvement of drainage in the Brahmaputra Valley:

Provided that the Board may prepare the Master Plan in part with reference to different areas of the Brahmaputra Valley or with reference to different matters relating to such areas and may, as often as it considers necessary so to do, revise the Master Plan or any part thereof.

- (2) In preparing the Master Plan, the Board shall have regard to the development and utilization of water resources of the Brahmaputra Valley for irrigation, hydro power, navigation and other beneficial purposes and shall, so far as possible, indicate in such plan the works and other measures which may be undertaken for such development.

(3) The Master Plan shall be submitted to the Central Government as soon as may be after it has been prepared or, as the case may be, revised and the Central Government shall, after consultation with the State Governments concerned, approve the same subject to such modifications as it may deem fit.

(1) The Board shall also -

(a) prepare detailed reports and estimates in respect of the dams and other projects proposed in the Master Plan as approved by the Central Government and indicate in each case the cost attributable to different purposes or uses;

(b) draw up standards and specifications for the construction, operation and maintenance of such dams and other projects;

(c) construct, with the approval of the Central Government, multi-purpose dams and works connected therewith proposed in the Master Plan as approved by the Central Government and maintain and operate such dams and works;

(d) prepare, in consultation with the State Governments concerned, a phased programme for the construction by the State Government of all dams and other projects proposed in the Master Plan as approved by the Central Government other than those referred to in clause(c);

(e) perform any other function which may be prescribed for the proper implementation of this Act;

(f) perform such other functions as are supplemental, incidental or consequential to the functions specified in section 12 or in clauses (a) to (d), or prescribed under clause (e), of this sub-section.

(2) Notwithstanding anything contained in clause (d) of sub section(i), the Board may, with the prior approval of the Central Government construct any dam or project referred to in that clause if it is satisfied, having regard to the cost of construction, and the expertise required for the construction, of any such dam or project, that it is expedient so to do.²

3) The Board may maintain and operate any dam or project referred to in sub-section (2) for so long as it deems it necessary so to do.

Explanation - For the purposes of this section, "multi-purpose dam" means a dam which is constructed for purposes of flood control and for other purposes.

The performance by the Board of the functions specified in, or prescribed under, section 12 and 13 shall be subject to the following conditions, namely:

(a) no multi-purpose dam referred to in clause (c) of sub-section (1) of section 13 shall be constructed by the Board unless the State Governments concerned make available the land required for the purpose.

(b) no dam or project referred to in clause (d) of sub-section(1) of section-13 shall be constructed by the Board unless the State Government concerned make available free of cost the land required for its execution and also undertake to take over its maintenance on and from the expiry of such period after its completion as may be specified by the Board.

(c) no dam or other works shall be undertaken by the Board unless the State Governments concerned agree to provide all such assistance as may be required for the construction, operation and maintenance thereof;

(d) such other conditions (including conditions relating to the sharing by the State Governments concerned of the whole or any part of cost of dam or other works constructed by the Board) as may be specified by the Central Government by general or special order published in the Official Gazette;

Provided that before undertaking the construction of any such dam or other works, the Board shall apprise the State Governments concerned of the cost of construction of, and the benefits likely to accrue from such dam or other works and the proportion in which the State Governments shall share such cost and benefits.

Provided further that if the Board and the State Governments are unable to agree in respect of the sharing of the cost and benefits of any such dam or other works, the Board shall refer the matter to the Central Government for decision and the Central Government shall decide such matter after consulting the State Governments and the decision of the Central Government shall be final.

15. (1) Subject to the provisions of the Act and the rules, the Board shall have the power to do anything which may be necessary or expedient for the purpose of performing its functions under this Act.

(2) Without prejudice to the generality of the provisions of sub-section (1), the Board may -

(a) publish statistics or other information relating to various aspects of flood control, bank erosion and drainage in the Brahmaputra Valley;

(b) require the State Governments concerned to furnish to it information relating to the measures undertaken by them for the control of floods and bank erosion and improvement of drainage in the Brahmaputra Valley, topographical, meteorological and hydrological and other related data and such other information as the Board may require for the performance of its functions under this Act

16. (1) The Board shall forward copies of the Master Plan, reports, estimates, standards and specifications prepared by it to the Central Government and State Governments concerned.

(2) The Central Government and the State Governments concerned may consult the Board with regard to any matters connected with, or arising out of, such plan, reports, estimates or standards and specifications.

(3) If, for any reason, a State Government considers it necessary to execute any project for the control of floods and bank erosion and drainage work in the Brahmaputra Valley and such project is not envisaged in the Master

Plan or such project is intended to be executed by the State Government in a manner not in conformity with the Master Plan, the State Government may consult the Board with regard to the execution of the project and the Board may make such recommendations as it may deem fit:

Provided that nothing contained in this sub-section shall be construed as imposing any requirement on any State Government to consult the Board with regard to the execution of any works which have become urgently necessary by reason of any emergency or other extraordinary circumstances.

CHAPTER IV CONTROL BY CENTRAL GOVERNMENT

17. (1) The Central Government may, from time to time, issue to the Board such directions and instructions as it may deem necessary for the efficient administration of this Act and the Board shall carry out such directions and instructions.

(2) In particular and without prejudice to the generality of the provisions of sub-section (1), the Central Government may, while granting (whether directly or through the Board and after due appropriation made by Parliament by law in that behalf) and financial assistance, by way of loans or grants for the execution by any State Government of any dam or other project referred to in clause (d) of sub-section (1) of section 13 after obtaining the approval of the State Government in this behalf, direct the Board to exercise all such powers as may be necessary for satisfying itself that the works are being executed in accordance with the standards and specifications laid down there for by the Board

CHAPTER V FINANCE, ACCOUNTS AND AUDIT

18. The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Board such sums of money as the Central Government may consider necessary.

19. (1) There shall be constituted a Fund to be called the Brahmaputra Board Fund and there shall be credited thereto the sums paid to the Board by the Central Government or by any State Government and all other sums received by the Board.

(2) The Fund shall be applied -

(a) for meeting the salary, allowances and other remuneration of the members, officers and other employees of the Board and other administrative expenses of the Board;

(b) for meeting the expenditure on surveys and investigations undertaken by the Board.

(c) for meeting the cost of construction, operation and maintenance of projects undertaken by the Board;

(d) for meeting the other expenses of the Board in the discharge of its functions under this Act; and

(e) if any sums are received by the Board under sub-section (2) of section 17, for the payment of such sums to the State Governments concerned.

20. The Board shall prepare, in such form and at such time each year as may be prescribed, its budget for the next financial year, showing the estimated expenditure, the amount of expenditure which any State Government has undertaken to provide for, and forward the same to the Central Government.

21. The Board shall prepare, in such form and of such time each year as may be prescribed, its Annual report, giving a full account of its activities during the previous year, and forward copies thereof to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

22. The accounts of the Board shall be maintained and audited in such manner as may, in consultation with the Comptroller and Auditor General of India, be prescribed.

CHAPTER VI MISCELLANEOUS

23. (1) If any dispute arises between the Board and any State Government regarding any matter covered by this Act or touching or arising out of it, it shall be referred to the Central Government.

(2) The Central Government shall endeavour to resolve the dispute by negotiations or conciliation in such manner as may be prescribed.

(3) Notwithstanding anything contained in sub-section (2), if the Central Government considers, whether before initiating action for resolving a dispute by negotiations or conciliation or at any stage after initiating such action, that the dispute is of such a nature that it is necessary or expedient to refer it to arbitration, the Central Government shall, in such form and in such manner as may be prescribed, refer the matter in dispute to an arbitrator who shall be appointed by the Chief Justice of India.

(4) The arbitrator may appoint two or more persons as assessors to assist him in the proceedings before him.

(5) The decision of the arbitrator shall be final and binding on the parties to the dispute and shall be given effect to by them.

(6) Nothing in the Arbitration Act, 1940 shall apply to any arbitration under this section.

24. (1) The Central Government may remove from the Board any member who, in its opinion -

- (a) refuse to act,
- (b) has become incapable to act,
- (c) has so abused his office as a member so as to render his continuance on the Board detrimental to the interests of the public, 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 reappointment as a member or in any capacity under the Board.

(5) If the Board fails to carry out its functions or directions issued by the Central Government under this Act, the Central Government shall have power to reconstitute the Board.

25. Subject to any rules made in this behalf, any officer of the Board generally or specially authorised by the Board in this behalf, may, at all reasonable times, enter upon any land or premise and there do such things as may be reasonably necessary for the purpose of lawfully carrying out any of its works or of making any survey, examination or investigation, preliminary or incidental to the exercise of powers or the performance of the functions by the Board under this Act:

Provided that no such officer 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 seven days notice in writing of his intention to do so.

26. All members, officers and employees of the Board 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.

27. (1) No suit, prosecuting or other legal proceeding shall, lie against the Government or any officer of the Government or any member, officer or employee of the Board for anything which is in good faith done or intended to be done under this Act or the rules or regulations.

(2) No suit of other legal proceedings shall lie against the Board, 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 of regulations, and in particular, it shall not be the responsibility of the Board to provide for relief measures necessitated by floods or by breaches and failures of works.

28. (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 matters with respect to the standing committee of the Board referred to in sub-sections (8) and (9) of section 4:

(b) the term of office of members (other than the ex officio members), and other conditions of service of the members, of the Board under section 5:

(c) the powers and duties of the Chairman and Vice-Chairman under section 6:

(d) the terms and conditions of service and the powers and duties of the General Manager under section 7:

(e) the terms and conditions of service of the Financial Adviser under section 8:

(f) the conditions and restrictions with respect to carrying out surveys and investigations and preparation of a Master Plan under sub-section (1) of section 12 and other matters relating thereto:

(g) the additional functions of the Board under clause (e) of sub-section (1) of section 13:

(h) the conditions and restrictions with respect to the general powers of the Board under sub-section (1) of section 15 and other matters relating thereto:

(i) the form in which, and the time when, the Board shall prepare its budget under section 20 and its annual report under section 21, and the manner in which the accounts of the Board shall be maintained and audited under section 22:

(j) the manner in which the Central Government shall endeavour to resolve, under sub-section (2) of section 23, the disputes referred to therein and the form and manner in which such disputes may be referred, under sub-section (3) of that section, to arbitration:

(k) the conditions and restrictions with respect to the exercise of the power to enter under section 25 and other matters relating thereto:

(l) 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.

29. (1) The Board 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 Board may associate with itself any person under sub-section (6) of section 4:

(b) the powers and duties of the General Manager of the Board which may be determined under sub-section (4) of section 7:

(c) the terms and conditions of service of the Chief Engineers, the Secretary and other officers and employees of the Board under sub-section (3) of section 9:

(d) any other matter in respect of which provision is to be or may be made by regulations.

30. 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 in making any modification in 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.

R.V.S. PERI SASTRI,
Secy. to the Govt. of India.

THE INTER-STATE WATER DISPUTES ACT, 1956

33 of 1956¹

(As Modified up to the 31st December, 1980)

(28th August, 1956)

AN ACT TO PROVIDE FOR THE ADJUDICATION OF DISPUTES RELATING TO
WATERS OF INTER-STATE RIVERS AND RIVER VALLEYS

Be it enacted by Parliament in the Seventh Year of the Republic of India as follows:-

1. (1) This Act may be called the Inter-State Water Disputes Act, 1956.

(2) It extends to the whole of India.

2. In this Act, unless the context otherwise requires -

(a) "prescribed" means prescribed by rules made under this Act.

(b) "Tribunal" means a Water Disputes Tribunal constituted under
Section 4:

(c) "water dispute" means any dispute or difference between two
or more State Governments with respect to -

(i) the use, distribution or control of the waters of, or
in, any inter-State river or river valley; or

(ii) the interpretation of the terms of any agreement relating
to the use, distribution or control of such waters or the implemen-
tation of such agreement; or

(iii) the levy of any water rate in contravention of the
prohibition contained in section 7.

3. If it appears to the Government of any State that a water dispute
with the Government of another State has arisen or is likely to arise by
reason of the fact that the interests of the State, or of any of the
inhabitants thereof, in the waters of an inter-State river or river valley
have been, or are likely to be, affected prejudicially by -

(a) any executive action or legislation taken or passed, or
proposed to be taken or passed, by the other State; or

(b) the failure of the other State or any authority therein to
exercise any of their powers with respect to the use, distribution or control
of such waters; or

(c) the failure of the other State to implement the terms of any
agreement relating to the use, distribution or control of such waters;
the State Government may, in such form and manner as may be prescribed,
request the Central Government to refer the Water dispute to a Tribunal for
adjudication.

¹[Extended to Dadra and Nagar Haveli by Regulation 6 of 1963, section 2
and Schedule 1 and to Pondicherry by Regulation 7 of 1963, section 3 and Schedule 1

4: (1) When any request under section 3 is received from any State Government in respect of any water dispute and the Central Government is of opinion that the water dispute cannot be settled by negotiations, the Central Government shall, by notification in the Official Gazette, constitute a Water Disputes Tribunal for the adjudication of the water dispute.

¹[(2) The Tribunal shall consist of a Chairman and two other members nominated in this behalf by the Chief Justice of India from among persons who at the time of such nomination are Judges of the Supreme Court or of a High Court.]

(3) The Tribunal may appoint two or more persons as assessors to advise it in the proceeding before it.

5. (1) When a Tribunal has been constituted under section 4, the Central Government shall, subject to the prohibition contained in section 8, refer the water dispute and any matter appearing to be connected with, or relevant to, the water dispute to the Tribunal for adjudication.

(2) The Tribunal shall investigate the matters referred to it and forward to the Central Government a report setting out the facts as found by it and giving its decision on the matters referred to it.

(3) If, upon consideration of the decision of the Tribunal, the Central Government or any State Government is of opinion that anything therein contained requires explanation or that guidance is needed upon any point not originally referred to the Tribunal, the Central Government or the State Government, as the case may be, may, within three months from the date of the decision, again refer the matter to the Tribunal for further consideration, and on such reference, the Tribunal may forward to the Central Government a further report giving such explanation or guidance as it deems fit and in such a case, the decision of the Tribunal shall be deemed to be modified accordingly.

²[(4) If the members of the Tribunal differ in opinion on any point, the point shall be decided according to the opinion of the majority.]

³[5A. If, for any reason a vacancy (other than a temporary absence) occurs in the office of the Chairman or any other member of a Tribunal, such vacancy shall be filled by a person to be nominated in this behalf by the Chief Justice of India in accordance with the provisions of sub-section (2) of section 4, and the investigation of the matter referred to the Tribunal may be continued by the Tribunal after the vacancy is filled and from the stage at which the vacancy occurred.]

6. The Central Government shall publish the decision of the Tribunal in the Official Gazette and the decision shall be final and binding on the parties to the dispute and shall be given effect to by them.

¹[Substituted by Act 35 of 1968, section 2, for the previous sub-section.

²[Inserted by section 3, *ibid*

³Inserted by section 4, *ibid*.

[6]A. (1) Without prejudice to the provisions of section 6, the Central Government may, by notification in the Official Gazette, frame a scheme or schemes whereby provision may be made for all matters necessary to give effect to the decision of a Tribunal.

(2) A scheme framed under sub-section (1) may provide for -

(a) the establishment of any authority (whether described as such or as a committee or other body) for the implementation of the decision or directions of the Tribunal;

(b) the composition, jurisdiction, powers and functions of the authority, term of office and other conditions of service of, the procedure to be followed by, and the manner of filling vacancies among, the members of the authority;

(c) the holding of a minimum number of meetings of the authority every year, the quorum for such meetings and the procedure thereat;

(d) the appointment of any standing, ad hoc or other committees by the authority;

(e) the employment of a Secretary and other staff by the authority, the pay and allowances and other conditions of service of such staff;

(f) the constitution of a fund by the authority, the amounts that may be credited to such fund and the expenses to which the fund may be applied;

(g) the form and the manner in which accounts shall be kept by the authority;

(h) the submission of an annual report by the authority of its activities;

(i) the decisions of the authority which shall be subject to review;

(j) the constitution of a committee for making such review and the procedure to be followed by such committee; and

(k) any other matter which may be necessary or proper for the effective implementation of the decision or directions of the Tribunal.

3. In making provision in any scheme framed under sub-section (1) for the establishment of an authority for giving effect to the decision of a Tribunal; the Central Government may, having regard to the nature of the jurisdiction, powers and functions required to be vested in such authority in accordance with such decision and all other relevant circumstances, declare in the said scheme that such authority shall, under the name specified in the said scheme, have capacity to acquire, hold and dispose of property, enter into contracts sue and be sued and do all such acts as may be necessary for the proper exercise and discharge of its jurisdiction, power and functions.

4. A scheme may empower the authority to make, with the previous approval of the Central Government, regulations for giving effect to the purposes of the scheme.

5. The Central Government may, by notification in the Official Gazette, add to, amend, or vary, any scheme framed under sub-section (1).

1. [Inserted by Act 45 of 1980 section 3 (with effect from 27.8.1980)]

(6) Every scheme framed under this section shall have effect notwithstanding anything contained in any law for the time being in force (other than this Act) or any instrument having effect by virtue of any law other than this Act.

(7) Every scheme and every regulation made under a scheme 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 scheme or the regulation or both Houses agree that the scheme or the regulation should not be made, the scheme or the 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 scheme or regulation.]

7. (1) No State Government shall, by reason only of the fact that any works for the conservation, regulation or utilisation of water resources of an inter-state river have been constructed within the limits of the State impose or authorise the imposition of, any seigniorage or additional rate or fee (by whatever name called) in respect of the use of such water by any other State or the inhabitants thereof.

(2) Any dispute or difference between two or more State Governments with respect to the levy of any water rate in contravention of the prohibition contained in sub-section(1) shall be deemed to be a water dispute.

8. Notwithstanding anything contained in section 3 or section 5, no reference shall be made to a Tribunal of any dispute that may arise regarding any matter which may be referred to arbitration under the River Boards Act, 1956].

9. (1) The Tribunal shall have the same powers as are vested in a civil court under the Code of Civil Procedure 1908, in respect of the following matters namely:-

(a) summoning and enforcing the attendance of any person and examining him on oath.

(b) requiring the discovery and production of documents and material objects;

(c) issuing commissions for the examination of witnesses or for local investigation;

(d) any other matter which may be prescribed.

(2) The Tribunal may require any State Government to carry out, or permit to be carried out, such surveys and investigation as may be considered necessary for the adjudication of any water dispute pending before it.

(3) A decision of the Tribunal may contain directions as to the Government by which the expenses of the Tribunal and any costs incurred by

1. Substituted by Act 36 of 1957, section 3 and Scheduled II for 1955.

any State Government in appearing before the Tribunal are to be paid, and may fix the amount of any expenses or costs to be so paid, and so far as it relates to expenses or costs, may be enforced as if it were an order made by the Supreme Court.

(4) ¹ [Subject to the provisions of this Act and any rules that may be made thereunder] the Tribunal may, by order, regulate its practice and procedure.

10. ² [The Chairman and other members of a Tribunal] and the assessors shall be entitled to receive such remuneration allowances or fees as may be prescribed.

11. Notwithstanding anything contained in any other law, neither the Supreme Court nor any other court shall have or exercise jurisdiction in respect of any water dispute which may be referred to a Tribunal under this Act.

12. The Central Government shall dissolve the Tribunal after it has forwarded its report and as soon as the Central Government is satisfied that no further reference to the Tribunal in the matter would be necessary.

13. (1) The Central Government after consultation with the State Governments, may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

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

(a) the form and manner in which a complaint as to any water dispute that be made by any State Government:

(b) the matters in respect of which a Tribunal may be vested with the powers of a civil court:

(c) the procedure to be followed by a Tribunal under this Act.

(d) the remuneration, allowances or fees payable to ³ [The Chairman and other members] of a Tribunal and assessors;

(e) the terms and conditions of service of officers of the Tribunal;

(f) any other matter which has to be, or may be, prescribed.

⁴ [(3) Every rules made under this section 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, ⁵ [which may be comprised in one session or 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 both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, however, that any such modification or annulment shall be without prejudice in the validity of anything previously done under that rule.]

1. Substituted by Act 35 of 1968 section 5 for certain words.

2. Substituted by Act 35 of 1968 section 6 for certain words.

3. Substituted by section 7 ibid for the presiding officer.

4. Substituted by section 7 ibid for the former sub-section.

5. Substituted by Act 45 of 1980 section 3 for certain words (with effect from 27.8.1980).

14. (1) Notwithstanding anything contained in the foregoing provisions or this Act, the Central Government may, by notification in the Official Gazette constitute a Tribunal under this Act, to be known as the Ravi and Beas Waters Tribunal for the verification and adjudication of the matters referred to in paragraphs 9.1 and 9.2 respectively, of the Punjab Settlement.

(2) When a Tribunal has been constituted under sub-section (1), the provisions of sub-section (2) and (3) of section 4, sub-sections (2), (3) and (4) of section 5 and sections 5A to 13 (both inclusive) of this Act relating to the constitution, jurisdiction, powers, authority and bar of jurisdiction shall so far as may be, but subject to sub-section (3) hereof, apply to the constitution, jurisdiction, powers, authority and bar of jurisdiction in relation to the Tribunal constituted under sub-section (1).

(3) When a Tribunal has been constituted under sub-section (1), the Central Government alone may suo moto or at the request of the concerned state Government refer the matters specified in paragraphs 9.1 and 9.2 of the Punjab settlement to such Tribunal.

Explanation = for the purpose of this section, 'Punjab Settlement' means the Memorandum of Settlement signed at New Delhi on the 24th day of July, 1989.

**FOREST (CONSERVATION) ACT, 1980 WITH
AMENDMENTS MADE II**

An Act to provide for the conservation of forests and for matters connected therewith or ancillary or incidental thereto.

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:-

1.
 - (1) This Act may be called the Forest (Conservation) Act, 1980.
 - (2) It extends to the whole of India except the State of Jammu and Kashmir.
 - (3) It shall be deemed to have come into force on the 25th day of October, 1980.
2. Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make except with the prior approval of the Central Government any order directing:
 - (i) that any reserved forest (within the meaning of the expression "reserved forest" in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved:
 - (ii) that any forest land or any portion thereof may be used for any non-forest purpose:
 - (iii) that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency, or any other organisation not owned, managed or controlled by Government.
 - (iv) that any forest land or any portion thereof may be cleared of trees which have grown naturally in that land or portion, for the purpose of using it for reafforestation.

Explanation:- For the purpose of this section, "non-forest purpose" means the breaking up or clearing of any forest land or portion thereof for -

- (a) the cultivation of tea, coffee, spices, rubber, palms, oil bearing plants, horticultural crops or medicinal plants:
- (b) any purpose other than reafforestation:

but does not include any work relating or ancillary to conservation, development and management of forests and wildlife, namely, the establishment of check-posts, fire lines, wireless communications and construction of fencing, bridges and culverts, dams, waterholes, french marks, boundary marks, pipelines or other like purposes.

3. The Central Government may constitute a Committee consisting of such number of persons as it may deem fit to advise that Government with regard to

- (i) the grant of approval under Section 2: and

- (ii) any other matter connected with the conservation of forests which may be referred to it by the Central Government.
- 3A. Whoever contravenes or abets the contravention of any of the provisions of Section 2, shall be punishable with simple imprisonment for a period which may extend to fifteen days.

- 3B. (1) Where any offence under this Act has been committed.
 - (a) by any department of Government, the head of the department: or
 - (b) by any authority, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the authority for the conduct of the business of the authority as well as the authority.

shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render the head of the department or any person referred to in clause (b), liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

- (2) Notwithstanding anything contained in sub-section (1), where an offence punishable under the Act has been committed by a department of Government or any authority referred to in clause (b) of sub-section (1) and it is proved that the offence has been committed with the consent or connivance of; or is attributable to any neglect on the part of any officer, other than the head of the department, or in the case of an authority, any person other than the persons referred to in clause (b) of sub-section (1), such officer or persons shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- 4. (1) The Central Government may, by notification in the Official Gazette, makes rules for carrying out the provisions of this Act.
- (2) Every rule 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 followed the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule 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.

5. (1) The Forest (Conservation) Ordinance, 1980 is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken under the provisions of the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

FOREST (CONSERVATION) RULES, 1981
(AS AMENDED UP TO MAY 1992)

G.S.R. 719 In exercise of the powers conferred by sub-section (1) of section 4 of the Forest (Conservation) Act, 1960 (69 of 1980), the Central Government hereby makes following rules, namely:-

1. Short title, extent and commencement -
 - (a) These rules may called the Forest (Conservation) Rules, 1981,
 - (b) They shall extend to the whole of India except the State of Jammu and Kashmir.
 - (c) They shall come into force on the date of their publication in the Official Gazette.
2. Definitions:- In these rules, unless the context otherwise requires:-
 - (a) "Act" means the Forest (Conservation) Act, 1980 (69 of 1980)
 - (b) "Committee" means the Committee constituted under section 3
 - (c) "Chairman" means the Chairman of the Committee
 - (d) "Member" means a member of the Committee
 - (e) "Section" means a section of the Act.
- 2A. (1) Composition of the Committee:- The Committee shall be composed of the following Members:-

(i) Inspector General of Forests Ministry of Environment and Forests,	Chairman
(ii) Additional Inspector General of Forests Ministry of Environment and Forests	Member
(iii) Joint Commissioner (Soil) Conservation Ministry of Agriculture	Member
(iv) Three eminent environmentalists (non-officials)	Member
(v) Deputy Inspector General of Forests (Forest Conservation), Ministry of Environment and Forests.	Member-Secretary

(2) Additional Inspector General of Forests shall act as the Chairman in the absence of Inspector General of Forests.
- 2B. Terms of appointment of non-official members shall be as follows -
 - (i) A non-official member shall hold his office for a period of two years.
 - (ii) A non-official member shall cease to hold office if he dies, resigns, becomes of unsound mind becomes insolvent or is convicted by a court of law on a criminal offence involving moral turpitude.
 - (iii) Any vacancy in the membership caused by any reason mentioned in sub-rule (ii) shall be filled by the Government for the unexpired portion of 2 years terms.
 - (iv) Travelling and daily allowance shall be payable to the non-official members of the Committee at the highest rate admissible to the Government servants of Group 'A' under the rules and orders made by the Central Government and for the time being in force.

Provided that the payment of travelling allowance and daily allowance to a member who is a Member of the Parliament or a Member of a State Legislature shall be regulated in accordance with the Salary, Allowance and Pension of Members of Parliament Act, 1954 or the respective provisions of law pertaining to the Members of the concerned State Legislature..

3. Conduct of business of the Committee:

- (1) The Chairman shall call the meeting of the Committee as often as necessary, but not less frequently than once in a month.
- (2) The meetings of the Committee shall normally be held at New Delhi. However, in a case where the Chairman is satisfied that inspection of site or sites of forest land proposed to be used for non-forest purposes would be necessary or expedient in connection with the consideration of the proposal or proposals received under sub-rule (1) of rule-4, he may direct that the meetings of the Committee will be held at a place other than Delhi from where such inspection of site or sites can be undertaken conveniently.
- (3) The Chairman shall preside over every meeting of the Committee at which he is present:
Provided that if the Chairman is absent from a meeting and it is not expedient to adjourn the meeting, the senior-most member of the Committee shall preside over the meeting.
- (4) Every question upon which the Committee is required to advise shall be considered at its meeting provided that in urgent cases if the meeting of the Committee cannot be convened within a month, the Chairman may direct that necessary papers may be sent to the Members for their opinion by a stipulated date.
- (5) The quorum for the meeting of the Committee shall be three.

4. (1) Every State Government or other authority seeking the prior approval under section 2 shall send its proposal to the Central Government in the form appended to these rules:

Provided that all proposals involving clearing naturally grown trees in forest land or portion thereof for the purpose of using it for reafforestation shall be sent in the form of Working Plan/Management Plan.

- (2) Every proposal referred to in sub-rule (1) shall be sent to the following address, namely:-

Secretary to the Government of India
Ministry of Environment & Forests
Paryavaran Bhawan, CGO Complex
Lodi Road, New Delhi-110003.

Provided that all proposals involving forest land up to twenty hectares and proposals involving clearing of naturally grown trees in forest land or portion thereof for the purpose of using it for

reafforestation shall be sent to the Chief Conservator of Forests/
Conservator of Forests of the concerned Regional Office of the
Ministry of Environment and Forests.

5. Committee to advise on proposals received by the Central Government

- (1) The Central Government shall refer every proposal received by it under sub-rule (1) of rule 4 to the Committee for its advice thereon if the area of the forest land involved is more than twenty hectares. Provided that proposals involving clearing of naturally grown trees in forest land or portion thereof for the purpose of using it for reafforestation shall not be referred to the Committee for its advice.
- (2) The Committee shall have due regard to all or any of the following matters while tendering its advice on the proposals referred to it under sub-rule (1), namely:-
 - (a) Whether the forest land proposed to be used for non-forest purpose forms part of a nature reserve, national park wildlife sanctuary, biosphere reserve or forms part of the habitat of any endangered or threatened species of flora and fauna or of an area lying in severely eroded catchment;
 - (b) Whether the use of any forest land is for agricultural purposes or for the rehabilitation of persons displaced from their residences by reason of any river valley or hydro-electric project;
 - (c) Whether the State Government or the other authority has certified that it has considered all other alternatives and that no other alternatives in the circumstances are feasible and that the required area is the minimum needed for the purpose; and
 - (d) Whether the State Government or the other authority undertakes to provide at its cost for the acquisition of land of an equivalent area and afforestation thereof.
- (3) While tendering the advice, the Committee may also suggest any conditions or restrictions on the use of any forest land for any non-forest purpose which, in its opinion, would minimise adverse environmental impact.

Action of the Central Government on the advice of the Committee - The Central Government shall, after considering the advice of the Committee tendered under rule 5 and after such further enquiry as it may consider necessary, grant approval to the proposal with or without conditions or reject the same.

FORM

Form for seeking prior approval under section 2 of the proposals by the State Governments and other authorities. (See rule 4)

1. Project details:

- (i) Short narrative of the proposal and project/scheme for which the forest land is required.
- (ii) Map showing the required forest area, boundary of adjoining forest and itemwise break up of the required forest area for different purposes (to be authenticated by an officer not below the rank of Deputy Conservator of Forests).
- (iii) Total cost of the project:
- (iv) Justification for locating the project in the forest area giving alternatives examined and reasons for their rejection.
- (v) Financial and social benefits.
- (vi) Total population benefited.
- (vii) Employment generated.

2. Location of the project/scheme.

- (i) State/Union Territory.
- (ii) District.
- (iii) Forest Division, Forest Block, compartment etc.

3. Item-wise break-up of the total land required for the project/scheme along with its existing land use.

4. Details of forest land involved:

- (i) Legal status of the forest (namely, reserve, protected/unclassified, etc.)
- (ii) Details of flora and fauna existing in the area.
- (iii) Density of vegetation.
- (iv) Species-wise and diameter class-wise abstract of trees.
- (v) Vulnerability of the forest area to erosion, whether it forms a part of a seriously eroded area or not.
- (vi) Whether it forms a part of national park, wildlife sanctuary, nature reserve biosphere reserve, etc. and if so details of the area involved. (Specific comments of the Chief Wildlife Warden to be annexed).
- (vii) Item-wise break-up of the forest land required for the project/scheme for different purposes.
- (viii) Rare/endangered species of flora and fauna found in the area.
- (ix) Whether it is a habitat for migrating fauna or forms a breeding ground for them.
- (x) Any other significance of the area relevant to the proposal.

5. Details of displacement of people due to the project:
 - (i) Total number of families involved in displacement.
 - (ii) Number of Scheduled Caste/Scheduled Tribe families involved in displacement.
 - (iii) Detailed rehabilitation plan.
6. Details of compensatory afforestation scheme:
 - (i) Details of non-forest area/degraded forest area identified for compensatory afforestation, its distance from adjoining forest, number of patches, size of each patch.
 - (ii) Map showing non-forest/degraded forest area identified for compensatory afforestation at adjoining forest boundaries.
 - (iii) Detailed compensatory afforestation scheme including species to be planted implementing agency, time schedule, cost structure etc.
 - (iv) Total financial outlay, for compensatory afforestation scheme.
 - (v) Certificates from competent authority regarding suitability of area identified for compensatory afforestation for afforestation and from management point of view (To be signed by an officer not below the rank of Deputy Conservator of Forests).
 - (vi) Certificate from the Chief Secretary regarding non-availability of the non-forest land for compensatory afforestation (if applicable).
7. Details regarding Transmission Lines (only for Transmission Line proposals):
 - (i) Total length of the Transmission Line.
 - (ii) Length passing through forest area.
 - (iii) Right of Way.
 - (iv) Number of Towers to be erected.
 - (v) Number of Towers to be erected in forest area.
 - (vi) Height of Transmission Towers.
8. Details of irrigation Hydel Project (only for irrigation Hydel Projects):
 - (i) Total catchment area.
 - (ii) Total command area.
 - (iii) Full Reservoir Level.
 - (iv) High Flood Level
 - (v) Minimum Drawal Level
 - (vi) Break-up of area falling in catchment area of the project (forest land, cultivated land, pasture land, human cultivation others).
 - (vii) Area of submergence at High Flood Level.
 - (viii) Area of submergence at Full Reservoir Level.
 - (ix) Area of submergence at 2 metre below Full Reservoir Level.
 - (x) Area of submergence at 4 metre below Full Reservoir Level (For medium and major projects only).
 - (xi) Area of submergence at Minimum Drawal Level.
 - (xii) Detailed catchment area treatment plan.
 - (xiii) Total financial outlays and details regarding availability of funds for catchment Area Treatment Plan.

9. Details regarding Road/Railway Lines (only for Roads/Railway lines proposal):
 - (i) Length and width of the strip and forest area required.
 - (ii) Total length of the road.
 - (iii) Length of the road already constructed.
 - (iv) Length of the road passing through the forest.
10. Details regarding mining proposals (only for mining proposals):
 - (i) Total mining lease area and forest area required.
 - (ii) Period of mining lease proposed.
 - (iii) Estimated reserve of each mineral/ore in the forest area and in the non-forest area.
 - (iv) Annual estimated production of mineral/ore.
 - (v) Nature of mining operations (opencast/underground).
 - (vi) Phased reclamation plan.
 - (vii) Gradient of the area where mining would be undertaken.
 - (viii) Copy of the Lease Deed (to be attached only for renewal purposes).
 - (ix) Number of labourers to be employed.
 - (x) Area of forest land required for
 - (a) Mining
 - (b) Storing mineral/ore.
 - (c) Dumping of overburden.
 - (d) Storing tools and machinery.
 - (e) Construction of building power stations, workshops, etc.
 - (f) Township/housing colony
 - (g) Construction of road/ropeway/railway lines.
 - (h) Full land use plan of forest area required.
 - (xi) Reasons why any of the activities, referred to in (a) to (h) above under the project for which forest land has been asked for cannot be undertaken/located outside forest area.
 - (xii) The extent of damage likely to be caused and the number of trees affected on account of mining and related activities.
 - (xiii) Distance of the mining area from perennial water courses, national and State highways, national parks, sanctuaries and biosphere reserves.
 - (xiv) Procedure for stocking of the topsoil for reuse.
 - (xv) Extent of subsidence expected in underground mining operations and its impact on water, forest and other vegetation.
11. Cost benefit analysis.
12. Whether clearance from environmental angle is required (Yes/No)
if yes, whether, requisite details for the same have been furnished (Yes/No)
13. Whether any work in violation of the Act has been carried out (Yes/No)
if yes,
 - (i) Details of the same including date of commencement.
 - (ii) Officers responsible for violation of the Act.
 - (iii) Action taken/being taken against erring officers.
 - (iv) Whether work in violation of the Act is still in progress.
14. Any other information.

15. Details of Certificates/documents enclosed.
16. Detailed opinion of the Chief Conservator of Forests/Head of the Forest Department concerned covering the following aspects, namely:
- (i) Out-turn of timber, fuelwood and other forest produce from the forest land involved.
 - (ii) Whether the district is self-sufficient in timber and fuelwood and
 - (iii) The effect of the proposal on
 - (a) Fuelwood supply to rural population
 - (b) Economy and livelihood of the tribals and backward communities.
 - (iv) Specific recommendations of the Chief Conservator of Forests/ head of the forest Department or acceptance or otherwise of the proposal with reasons thereof.

Certified that all other alternatives for the purpose have been explored and the demand for the required area is the minimum demand for forest land.

Signature of the authorised officer
of the State Government/Authority

- N.B. 1. While furnishing details of flora and fauna, the species should be described by their scientific names.
- N.B. 2. If the space provided above is not sufficient to specify any information, please attach separate details/documents.

(No.5-5/86-1-C)
R.RAJAMANI, Secy.

Footnote:

The principal rules were notified vide Number G.S.R.719 dated the 20th July, 1981 and subsequently amended vide

- (1) G.S.R. 14, dated the 28th December, 1987.
- (2) G.S.R. 640(E), dated the 6th June, 1989.

**LAW DEPARTMENTS ADVICE
IN REGARD TO MINING LEASES**

- I. In respect of the mining operations being carried out on forest lands leased before the commencement of the Forest (Conservation) Act, 1980 during the continuance of the lease period, the approval of the Central Govt. under Section 2 of the said Act is not required.
- II. A renewal of a lease is really the grant of a fresh lease. (See Delhi Development Authority Vs. Durga Chand Kausish, AIR 1973 SC 2609). The prior approval of the Central Govt. in terms of section 2 of the Forest (Conservation) Act, 1980 would be required when a mining lease granted before the commencement of the said Act is renewed after its coming force.
- III. As held by the Supreme Court in State of Bihar Vs. Banshi Ram Modi (supra), prior approval of the Central Govt. in terms of section 2 of the Forest (conservation) Act, 1980 would not be required for mining any new mineral from a forest land leased for mining before the commencement of the said Act during the lease period originally granted, if the said land is already broken up or cleared before the commencement of the Act. Otherwise, the prior approval of the Central Govt. under Section 2 of the said Act would be required.

REGULARISATION OF ENCROACHMENTS ON FOREST LAND

Encroachment of forest land for cultivation and other purposes continues to be the most pernicious practice endangering forest resources throughout the country. Statistical information compiled by Ministry of Agriculture during early 1980, revealed that nearly 7 lakh hectares of forest land was under encroachment in the country about a decade back. This is despite the fact that prior to 1980, a number of States had regularised such encroachments periodically and approximately 43 lakh hectares of forest land was diverted for various purposes between 1951 and 1980, more than half of it for agriculture. The decisions of the State Government to regularise encroachments from time to time seem to have acted as strong inducement for further encroachments in forest areas and the problem remained as elusive as ever for want of effective and concerted drive against this evil practice.

The National Forest Policy, 1988 has also observed the increasing trend in encroachments on forest land and stated that these should not be regularised. Implementation of this pronouncement has been examined by this Ministry keeping in view the constraints of various State Governments some of whom have expressed that they stand committed to regularise encroachments of a period prior to 1980. The issue figured prominently in the Conference of the Forest Ministers held in May, 1989 and was later examined by an Inter-Ministerial Committee, set up by the Ministry in consultation with the representatives of some of the State. Keeping in view the recommendations of the Forest Ministers Conference and the Committee referred to above, and with due approval of the competent authority, the following measures are suggested for review of the old encroachments and effective implementation of the pronouncement made in this regard in the National Forest Policy, 1988.

All the cases of subsisting encroachments where the State Governments stand committed to regularise on account of past commitments may be submitted to this Ministry for seeking prior approval under the Forest (Conservation) Act, 1980. Such proposals should invariably conform to the criteria given below:

1. PRE-1980 ENCROACHMENTS WHERE THE STATE GOVERNMENT HAD TAKEN A DECISION BEFORE ENACTMENT OF THE FOREST (CONSERVATION) ACT, 1980 TO REGULARIZE/ELIGIBLE CATEGORY OF ENCROACHMENTS.
 - 1.1 Such cases are those where the State Governments had evolved certain eligibility criteria in accordance with local needs and conditions and had taken a decision to regularise such encroachments but could not implement their decision either wholly or partially before the enactment of the Forest (Conservation) Act, on 25.10.80.

THE ENVIRONMENT (PROTECTION) ACT 1986
NO. 29 of 1986

(23rd May, 1986)

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 26th May, 1986

The following Act of Parliament received the assent of the President on the 23rd May, 1986 and is hereby published for general information.

An Act to provide for the protection and improvement of environment and for matters connected there with

WHEREAS decision were taken at the United Nations Conference on the Human Environment held at Stockholm in June, 1972, in which India participated to take appropriate steps for the protection and improvement of human environment:

AND WHEREAS it is considered necessary further to implement the decisions aforesaid in so far as they relate to the protection and improvement of environment and the prevention of hazards to human beings, other living creatures, plants and property:

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

CHAPTER I
PRELIMINARY

1. (1) This Act may be called the Environment (Protection) Act, 1986
(2) It extends to the whole of India.
(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act and for different areas.
2. In this Act, unless the context otherwise requires -
 - (a) "environment" includes water, air and land and the inter relationship which exists among and between water, air and land, and human beings, other living creature, plants, micro-organism and property;
 - (b) "environmental pollutant" means any solid, liquid or gaseous substance present in such concentration as may be, or tend to be, injurious to environment:

(c) "environmental pollution" means the presence in the environment of any environmental pollution:

(d) "handling", in relation to any substance means the manufacture, processing, treatment, package, storage, transportation, use-collection, destruction, conversion, offering for sale, transfer or the like of such substance:

(e) "hazardous substance" means any substance or preparation which by reason of its chemical or physico-chemical properties or handling is liable to cause harm to human beings, other living creatures, plants, micro-organism, property or the environment;

(f) "occupier", in relation to any factory or premises, means a person who has control over the affairs of the factory or the premises and includes in relation to any substance, the person in possession of the substance;

(g) "prescribed" means prescribed by rules made under this Act.

CHAPTER II GENERAL POWERS OF THE CENTRAL GOVERNMENT

3. (1) Subject to the provisions of this Act, the Central Government shall have the power to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution.

(2) In particular and without prejudice to the generality of the provisions of sub-section (1) such measures may include measures with respect to all or any of the following matters, namely:-

(i) co-ordination of actions by the State Governments, officers and other authorities -

(a) under this Act, or the rules made thereunder: or

(b) under any other law for the time being in force which is relatable to the objects of this Act;

(ii) planning and execution of a nation-wide programme for the prevention, control and abatement of environmental pollution:

(iii) laying down standards for the quality of environment in its various aspects:

(iv) laying down standards for emission or discharge of environmental pollutants from various sources whatsoever:

Provided that different standards for emission or discharge may be laid down under this clause from different sources having regard to the quality or composition of the emission or discharge of environmental pollutants from such sources;

(v) restriction of areas in which any industries, operations or processes or class of industries, operations or processes shall not

be carried out or shall be carried out subject to certain safeguards.

(vi) laying down procedures and safeguards for the prevention of accidents which may cause environmental pollution and remedial measures for such accidents;

(vii) laying down procedures and safeguards for the handling of hazardous substances;

(viii) examination of such manufacturing processes, materials and substances as are likely to cause environmental pollution.

(ix) carrying out and sponsoring investigations and research relating to problems of environmental pollution;

(x) inspection of any premises, plant, equipment, machinery, manufacturing or other processes, materials or substances and giving by order, of such directions to such authorities, officers or persons as it may consider necessary to take steps for the prevention, control and abatement of environmental pollution;

(xi) establishment or recognition of environmental Laboratories and institutes to carry out the functions entrusted to such environmental laboratories and institutes under this Act;

(xii) collection and dissemination of information in respect of matters relating to environmental pollution;

(xiii) preparation of manuals, codes or guides relating to the prevention, control and abatement of environmental pollution;

(xiv) such other matters as the Central Government deems necessary or expedient for the purpose of securing the effective implementation of the provisions of this Act.

(3) The Central Government may, if it considers it necessary or expedient so to do for the purposes of this Act, by order, published in the Official Gazette, constitute an authority or authorities by such name or names as may be specified in the order for the purpose of exercising and performing such of the powers and functions (including the power to issue directions under section 5) of the Central Government under this Act and for taking measures with respect to such of the matters referred to in sub-section (2) as may be mentioned in the order and subject to the supervision and control of the Central Government and the provisions of such order, such authority or authorities may exercise the powers or perform the functions or take the measures so mentioned in the order as if such authority or authorities had been empowered by this Act to exercise those powers or perform those functions or take such measures.

4. (1) Without prejudice to the provisions of sub-section (3) of section 3, the Central Government may appoint officers with such designations as it thinks fit for the purposes of this Act and may entrust to them such of the powers and functions under this Act as it may deem fit.

(2) The officers appointed under sub-section (1) shall be subject to the general control and direction of the Central Government or, if so directed by that Government, also of the authority or authorities, if any, constituted under sub-section (3) of section 3. or of any other authority or officer.

5. Notwithstanding anything contained in any other law but subject to the provisions of this Act, the Central Government may, in the exercise of its powers and performance of its functions under this Act, issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions.

Explanation - For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct -

(a) the closure, prohibition or regulation of any industry, operation of process; or

(b) stoppage or regulation of the supply of electricity or water or any other service.

6. (1) The Central Government may, by notification in the Official Gazette, make rules in respect of all or any of the matters referred to in section 3.

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

(a) the standards of quality of air, water or soil for various areas and purposes;

(b) the maximum allowable limits of concentration of various environmental pollutants (including noise) for different areas;

(c) the procedures and safeguards for the handling of hazardous substances;

(d) the prohibition and restrictions on the handling of hazardous substances in different areas.

(e) the prohibition and restrictions on the location of industries and the carrying on of processes and operations in different areas.

(f) the procedures and safeguards for the prevention of accidents which may cause environmental pollution and for providing for remedial measures for such accidents.

CHAPTER III

PREVENTION, CONTROL AND ABATEMENT OF ENVIRONMENTAL POLLUTION

7. No person carrying on any industry, operation or process shall discharge or emit or permit to be discharged or emitted any environmental pollutant in excess of such standards as may be prescribed.

8. No person shall handle or cause to be handled any hazardous substance except in accordance with such procedure and after complying with such safeguards as may be prescribed.

9. (1) Where the discharge of any environmental pollutant in excess of the prescribed standards occurs or is apprehended to occur due to any accident or other unforeseen act or event, the person responsible for such discharge and the person in charge of the place at which such discharge occurs or is apprehended to occur shall be bound to prevent or mitigate the environmental pollution caused as a result of such discharge and shall also forthwith -

(a) intimate the fact of such occurrence or apprehension of such occurrence; and

(b) be bound, if called upon, to render all assistance, to such authorities or agencies as may be prescribed;

(2) On receipt of information with respect to the fact or apprehension of any occurrence of the nature referred to in sub-section (1), whether through intimation under that sub-section or otherwise, the authorities or agencies referred to in sub-section (1) shall, as early as practicable, cause such remedial measures to be taken as are necessary to prevent or mitigate the environmental pollution.

(3) The expenses, if any, incurred by any authority or agency with respect to the remedial measures referred to in sub-section (2), together with interest (at such reasonable rate as the Government may, by order, fix) from the date when a demand for the expenses is made until it is paid, may be recovered by such authority or agency from the person concerned as arrears of land revenue or of public demand.

10. (1) Subject to the provisions of this section, any person empowered by the Central Government in this behalf shall have a right to enter, at all reasonable times with such assistance as he considers necessary, any place -

(a) for the purpose of performing any of the functions of the Central Government entrusted to him;

(b) for the purpose of determining whether and if so in what manner, any such functions are to be performed or whether any provisions of this Act or the rules made thereunder or any notice, order, direction or authorisation served, made, given or granted under this Act is being or has been complied with;

(c) for the purpose of examining and testing any equipment, industrial plant, record, register, document or any other material object or for conducting a search of any building in which he has reason to believe that an offence under this Act or the rules made thereunder has been or is being or is about to be committed and for seizing any such equipment, industrial plant, record, register, document or other material object if he has reasons to believe that it may furnish evidence of the commission of an offence punishable under this Act or the rules made thereunder or that such seizure is necessary to prevent or mitigate environmental pollution.

(2) Every person carrying on any industry, operation or process or handling any hazardous substance shall be bound to render all assistance to the person empowered by the Central Government under sub-section (1) for carrying out the functions under that sub-section and if he falls to do so without any reasonable cause or excuse, he shall be guilty of an offence under this Act.

(3) If any person wilfully delays or obstructs any person empowered by the Central Government under sub-section (1) in the performance of his functions he shall be guilty of an offence under this Act.

(4) The provisions of the Code of Criminal Procedure, 1973, or in relation to the state of Jammu and Kashmir, or any areas in which that Code is not in force, the provisions of any corresponding law in force in that State or area shall, so far as may be, apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under section 94 of the said Code or as the case may be, under the corresponding provision of the said law.

11. (1) The Central Government or any officer empowered by it in this behalf, shall have power to take, for the purpose of analysis, samples of air, water, soil or other substance from any factory, premises or other place in such manner as may be prescribed.

(2) The result of any analysis of a sample taken under sub-section (1) shall not be admissible evidence in any legal proceeding unless the provisions of sub-section (3), and (4) are complied with.

(3) Subject to the provisions of sub-section (4), the person taking the sample under sub-section (1) shall -

(a) serve on the occupier or his agent or person in charge of the place, a notice, then and there, in such form as may be prescribed of his intention to have it so analysed;

(b) in the presence of the occupier or his agent or person, collect a sample for analysis;

(c) cause the sample to be placed in a container or containers which shall be marked and sealed and shall also be signed both by the person taking the sample and the occupier or his agent or person;

(d) send without delay, the container or the containers to the laboratory established or recognised by the Central Government under section 12.

(4) When a sample is taken for analysis under sub-section (1) and the person taking the sample serves on the occupier or his agent of person, a notice under clause (a) of sub-section (3), then -

(a) in a case where the occupier, his agent or person wilfully absents himself, the person taking the sample shall collect the sample for analysis to be placed in a container or containers which shall be marked and sealed and shall also be signed by the person taking the sample, and

(b) in a case where the occupier, or his agent or person present at the time of taking the sample refuses to sign the marked and sealed container or containers of the sample as required under clause (c) of sub-section (3), the marked and sealed container or containers shall be signed by the person taking the samples.

and the container or containers shall be sent without delay by the person taking the sample for analysis to the laboratory established or recognised under section 12 and such person shall inform the Government Analyst appointed or recognised under section 13 in writing, about the wilful absence of the occupier or his agent or person, or, as the case may be, his refusal to sign the container or containers.

12 (1) The Central Government may, by notification in the Official Gazette -

(a) establish one or more environmental laboratories;

(b) recognise one or more laboratories or institutes as environmental laboratories to carry out the functions entrusted to an environmental laboratory under this Act.

(2) The Central Government may, by notification in the Official Gazette, make rules specifying -

(a) the functions of the environmental laboratory;

(b) the procedure for the submission to the said laboratory of samples of air, water, soil or other substance for analysis or tests, the form, of the laboratory report thereon and the fees payable for such report;

(c) such other matters as may be necessary or expedient to enable that laboratory to carry out its functions.

13. The Central Government may by notification in the Official Gazette, appoint or recognise such persons as it thinks fit and having the prescribed qualifications to be Government Analysts for the purpose of analysis of samples of air, water soil or other substance sent for analysis to any environmental laboratory established or recognised under sub-section (1) of section 12.

14. Any document purporting to be a report signed by a Government analyst may be used as evidence of the facts stated therein in any proceeding under this Act;

15. (1) Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or order or directions issued thereunder shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years or with fine which may extend to one lakh rupees or with both, and in case the failure or contravention continues, with additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention.

(2) If the failure or contravention referred to in sub-section (1) continues beyond a period of one year after the date of conviction the offender shall be punishable with imprisonment for a term which may extend to seven years.

16. (1) Where any offence under this Act has been committed by a company, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly;

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation - For the purpose of this section -

(a) "company" means any body corporate and includes a firm or other association of individuals;

(b) "director" in relation to a firm means a partner in the firm.

17. (1) Where an offence under this Act has been committed by any Department of Government, the Head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly;

Provided that nothing contained in this section shall render such Head of the Department liable to any punishment if he proves that the offence was committed without his knowledge or that he exercise all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Department of Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the Head of the Department, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

CHAPTER IV MISCELLANEOUS

18. No suit, prosecution or other legal proceeding shall lie against the Government or any officer or other employee of the Government or any authority constituted under this Act or any member, officer or other employee of such authority in respect of anything which is done or intended to be done in good faith in pursuance of this Act or the rules made or orders or directions issued thereunder.

19. No court shall take cognizance of any offence under this Act except on a complaint made by -

- (a) the Central Government or any authority or officer authorised in this behalf by that Government; or
- (b) any person who has given notice of not less than sixty days in the manner prescribed, of the alleged offence and of his intention to make a complaint, to the Central Government or the authority or officer authorised as aforesaid.

20. The Central Government may, in relation to its functions under this Act, from time to time, require any person, officer, State Government or other authority to furnish to it or any prescribed authority or officer any reports, returns, statistics, accounts and other information and such person, officer, State Government or other authority shall be bound to do so.

21. All the members of the authority, constituted, if any, under section 3 and all officers and other employees of such authority when acting or purporting to act in pursuance of any provisions of this Act or the rules made or orders or directions issued thereunder shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

22. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of anything done, action taken or order or direction issued by the Central Government or any other authority or officer in pursuance of any power conferred by or in relation to its or his functions under this Act.

23. Without prejudice to the provisions of sub-section (3) of section 3, the Central Government may, by notification in the Official Gazette, delegate, subject to such conditions and limitations as may be specified in the notification, such of its powers and functions under this Act [except the power to constitute an authority under sub-section (3) of section 3 and to make rules under section 25] as it may deem necessary or expedient, to any officer, State Government or other authority.

24. (1) Subject to the provisions of sub-section (2), the provisions of this Act and the rules or orders made therein shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act.

(2) Where any act or omission constitutes an offence punishable under this Act and also under any other Act then the offender found guilty of such offence shall be liable to be punished under the other Act and not under this Act.

25. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

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

(a) the standards in excess of which environmental pollutants shall not be discharged or emitted under section 7;

(b) the procedure in accordance with and the safeguards in compliance with which hazardous substances shall be handled or cause to be handled under section 8;

(c) the authorities or agencies to which intimation of the fact of occurrence or apprehension of occurrence of the discharge of any environmental pollutant in excess of the prescribed standards shall be given and to whom all assistance shall be bound to be rendered under sub-section (1) of section 9;

(d) the manner in which samples of air, water, soil or other substance for the purpose of analysis shall be taken under sub-section (1) of section 11;

(e) the form in which notice of intention to have a sample analysed shall be served under clause (a) of sub-section (3) of section 11;

(f) the functions of the environmental laboratories, the procedure for the submission to such laboratories of samples of air, water, soil and other substances for analysis or test; the form of laboratory report; the fees payable for such report and other matters to enable such laboratories to carry out their functions under sub-section (2) of section 12;

(g) the qualifications of Government Analyst appointed or recognised for the purpose of analysis of samples of air, water, soil or other substances under section 13;

(h) the manner in which notice of the offence and of the intention to make a complaint to the Central Government shall be given under clause (b) of section 19;

(i) the authority or officer to whom any reports, returns, statistics, accounts and other information shall be furnished under section 20.

(j) any other matter which is required to be, or may be, prescribed.

26. Every rule 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 both Houses agree that the rule should not be made, the rule 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.

C. RAMAN MENON
Additional Secy. to the Govt. of India

**THE WATER (PREVENTION AND CONTROL OF POLLUTION)
CESS (AMENDMENT) ACT, 1991**

NO. 53 OF 1991

(16th December, 1991)

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(LEGISLATIVE DEPARTMENT)

NEW DELHI THE 17TH DECEMBER, 1991

The following Act of Parliament received the assent of the President on the 16th December, 1991 and is hereby published for general information.

An Act to amend the Water (Prevention and Control of Pollution) Cess Act, 1977.

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows:-

1. (1) This Act may be called the Water (Prevention and Control of Pollution) Cess (Amendment) Act, 1991.

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

2. In section 3 of the Water (Prevention and Control of Pollution) Cess Act, 1977 (hereinafter referred to as the principal Act) -

(a) after sub-section (2), the following sub-section shall be inserted namely:-

"(2A) Where any person carrying on any specified industry or any local authority consuming water for domestic purpose liable to pay cess fails to comply with any of the provisions of section 25 of the Water (Prevention and Control of Pollution) Act, 1974 or any of the standards laid down by the Central Government under the Environment (Protection) Act, 1986, cess shall be, notwithstanding anything contained in sub-section (2) of this section, calculated and payable at such rate, not exceeding the rate specified in column (3) of Schedule II, as the Central Government may, by notification in the Official Gazette, from time to time, specify."

(b) in sub-section (3), for the words, brackets and figure "under sub-section (2)", the words, brackets, figures and letter "under sub-section (2) or sub-section (2A)" and for the words "in that

sub-section⁶ⁱ, the words "in those sub-sections" shall be substituted.

3. Section 5 of the principal Act shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:-

"(2) If a person carrying on any specified industry or a local authority, liable to pay the cess under section 3, fails to furnish any return under sub-section (1), the officer or the authority shall give a notice requiring such person or local authority to furnish such return before such date as may be specified in the notice."

4. In section 6 of the principal Act -

(a) after sub-section (1), the following sub-section shall be inserted, namely:-

"(1A) If the return has not been furnished to the officer or authority under sub-section (2) of section 5, he or it shall, after making or causing to be made such inquiry as he or it thinks fit, by order, assess the amount of cess payable by the concerned person carrying on any specified industry or local authority, as the case may be."

(b) in sub-section (2), after the words, brackets and figure "under sub-section (1)" the words, brackets, figure and letter "or sub-section (1A)" shall be inserted;

(c) in sub-section (3), after the words, brackets and figure "under sub-section (1)", the words, brackets, figure and letter "or sub-section (1A)" shall be inserted.

5. In section 7 of the principal Act -

(a) for the words "seventy per cent", the words "twenty-five per cent", shall be substituted;

(b) the following proviso shall be inserted at the end, namely:-

"Provided that a person or local authority shall not be entitled to any rebate, if he or it -

(a) consumes water in excess of the maximum quantity, as may be prescribed in this behalf for any specified industry or local authority; or

(b) fails to comply with any of the provisions of section 25 of the Water (Prevention and Control of Pollution) Act, 1974 or any of the standards laid down by the Central Government under the Environment (Protection) Act, 1986."

6. In Section 10 of the principal Act, for the portion beginning with the words "interest at twelve per cent." and ending with the words "actually paid", the following shall be substituted, namely:-

"interest on the amount to be paid at the rate of two per cent, for every month or part of a month comprised in the period from the date on which such payment is due till such amount is actually paid".

7. In section 17 of the principal Act, in sub-section (2), in clause (d), after the words "the rebate", the words "and the maximum quantity of water in excess of consumption whereof any person or local authority shall not be entitled to the rebate" shall be inserted.

8. For Schedule II to the principal Act, the following Schedule shall be substituted, namely:-

SCHEDULE II
(See section 3)

Purpose for which water is Consumed.	Maximum rate under sub-section (2) of section 3	Maximum rate under sub-section (2A) of section 3
(1)	(2)	(3)
1. Industrial cooling, spraying in mine pits or boiler feeds	One and a half paise per kilo litre	Two and one-fourth paise per kilo litre
2. Domestic purpose	Two paise per kilo litre	Three paise per kilo litre.
3. Processing whereby water gets polluted and the pollutants are easily bio-degradable.	Four paise per kilo litre	Seven and a half paise per kilo litre.
4. Processing whereby water gets polluted and the pollutants are not easily bio-degradable and are toxic	Five paise per kilo litre	Nine and a half paise per kilo litre."

V.S. RAMA DEVI
Secy. to the GOVT. of INDIA.

NOTIFICATION ON ENVIRONMENT (PROTECTION) RULES, 1986

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 27th January, 1994

S.O. 60(E) - Whereas a notification under clause (a) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 inviting objections from the public within sixty days from the date of publication of the said notification, against the intention of the Central Government to impose restrictions and prohibitions on the expansion and modernization of any activity or new projects being undertaken in any part of India unless environmental clearance has been accorded by the Central Government or the State Government in accordance with the procedure specified in that notification was published as S.O. No. 80(E) dated 28th January, 1993;

And whereas all objections received have been duly considered;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby directs that on and from the date of publication of this notification in the Official Gazette, expansion or modernization of any activity if pollution load is to exceed the existing one, or new project listed in Schedule I to this notification shall not be undertaken in any part of India unless it has been accorded environmental clearance by the Central Government in accordance with the procedure hereinafter specified in this notification;

2. Requirements and procedure for seeking environment clearance of projects;

- 1 (a) Any person who desires to undertake any project in any part of India or the expansion or modernisation of any existing Industry or project listed in the Schedule shall submit an application to the Secretary, Ministry of Environment and Forests, New Delhi.

The application shall be made in the proforma specified in Schedule II to this notification and shall be accompanied by a detailed project report which shall, inter alia, include an Environmental Impact Assessment Report and an Environment Management Plan prepared in accordance with the guidelines issued by the Central Government in the Ministry of Environment and Forests from time to time.

- (b) Case rejected due to submission of insufficient or inadequate data and Action Plans may be reviewed as and when submitted with complete data and Action Plans. Submission of incomplete data for the second time would itself be a sufficient reason for the Impact Assessment Agency to reject the case summarily.

completion of public hearing were required and decision conveyed within a maximum of 30 days thereafter. No work, preliminary or otherwise, relating to the setting up of the project may be undertaken till the environmental site clearance is obtained.

- IV. In order to enable the Impact Assessment Agency concerned to monitor effectively the implementation of the recommendations and conditions subject to which the environmental clearance has been given, the project authorities concerned shall submit a half-yearly report to the concerned agency. Impact Assessment Agency will make compliance reports publicly available.
 - V. If no comments from the Impact Assessment Agency received within the time limit, the project would be deemed to have been approved as proposed by project authorities.
3. Nothing contained in this Notification shall apply to:
- (a) any time falling under entry Nos. 3, 18 and 20 of the Scheduled I to be located or proposed to be located in the areas covered by the Notification's SO No. 102(E) dated 1st February, 1989; S.O. 114(B) dated 20th February, 1991 and S.O. No. 319(E) dated 7th May, 1992.
 - (b) any item falling under entry Nos. 1,2,3,4,5,7,9,10,12,13,14,16, 17,19,25 and 27 of Scheduled if the investment is less than Rs. 50 crores.
 - (c) any item reserved for Small Scale Industrial sector with investments less than Rs. 1 crore.
4. Concealing factual data or submission of false, misleading data/reports decisions or recommendations would lead to the project being rejected approval, if granted earlier on the basis of false data, would also be revoked. Misleading and wrong information will cover the following:
- False Information.
 - False data.
 - Engineering reports
 - Concealing of factual data
 - False recommendations or decisions.

[No. Z-12013/4/89-IA-I]
R.RAJAMANI Secy. (E&F)

completion of public hearing were required and decision conveyed within a maximum of 30 days thereafter. No work, preliminary or otherwise, relating to the setting up of the project may be undertaken till the environmental site clearance is obtained.

- IV. In order to enable the Impact Assessment Agency concerned to monitor effectively the implementation of the recommendations and conditions subject to which the environmental clearance has been given, the project authorities concerned shall submit a half-yearly report to the concerned agency. Impact Assessment Agency will make compliance reports publicly available.
 - V. If no comments from the Impact Assessment Agency received within the time limit, the project would be deemed to have been approved as proposed by project authorities.
3. Nothing contained in this Notification shall apply to:
- (a) any time falling under entry Nos. 3, 18 and 20 of the Scheduled I to be located or proposed to be located in the areas covered by the Notification's SO No. 102(E) dated 1st February, 1989; S.O. 114(B) dated 20th February, 1991 and S.O. No. 319(E) dated 7th May, 1992.
 - (b) any item falling under entry Nos. 1,2,3,4,5,7,9,10,12,13,14,16, 17,19,25 and 27 of Scheduled if the investment is less than Rs. 50 crores.
 - (c) any item reserved for Small Scale Industrial sector with investments less than Rs. 1 crore.
4. Concealing factual data or submission of false, misleading data/reports decisions or recommendations would lead to the project being rejected approval, if granted earlier on the basis of false data, would also be revoked. Misleading and wrong information will cover the following:
- False Information.
 - False data.
 - Engineering reports
 - Concealing of factual data
 - False recommendations or decisions.

[No. Z-12013/4/89-IA-I]
R.RAJAMANI Secy. (E&F)

SCHEDULE-I
(See paras 1 and 2)

LIST OF PROJECTS REQUIRING ENVIRONMENTAL CLEARANCE FROM THE CENTRAL GOVERNMENT

1. Nuclear Power and related projects such as Heavy Water Plants, nuclear fuel complex, rare earths.
2. River Valley projects including hydel power, major irrigation and their combination including food control.
3. Ports, Harbours, Airports (except minor ports and harbours).
4. Petroleum Refineries including crude and product pipelines.
5. Chemical Fertilizers (Nitrogenous and Phosphatic) other than single superphosphate).
6. Pesticides (Technical).
7. Petrochemical complexes (Both Olefinic and Aromatic) and Petro-chemical intermediates such as DMT, Caprolactam LAB etc, and production of basic plastics such as LLPDE, HPDE, PP PVC.
8. Bulk drugs and pharmaceuticals.
9. Exploration for oil and gas and their production, transportation and storage.
10. Synthetic Rubber.
11. Asbestos and Asbestos products.
12. Hydrocyanic acid and its derivatives.
13. (a) Primary metallurgical industries (such as production of Iron and Steel, Aluminium, Copper Zinc, Lead and Ferror Alloys).
- (b) Electric arc furnaces (Mini Steel Plants).
14. Chlor alkali industry.
15. Integrated paint complex including manufacture of resins and basic raw materials required in the manufacture of paints.
16. Viscose Staple fibre and filament yarn.
17. Storage batteries integrated with manufacture of oxides of lead and lead antimony alloy.
18. All tourism projects between 200m - 500 meters of High Water Line and at Locations with an elevation of more than 1000 meters with investment of more than Rs. 5 crores.
19. Thermal Power plants.
20. Mining projects (with leases more than 5 hectares)
21. Highway Projects.
22. Tarred Roads in Himalayas and or Forest areas.
23. Distilleries Hyde
24. Raw skin and Hyde.

25. Rule, paper and newsprint.
26. Dyes.
27. Cement
28. Foundries (Individual).
29. Electroplating.

SCHEDULE-II

(See Sub-para I(a) of Para 3)
APPLICATION FORM

1. (a) Name and Address of the project proposed:
 (b) Location of the projects.
 Name of the place:
 District, Tehsil:
 Latitude/Longitude:
 Nearest Airport/Railway Station;
- (c) Alternate sites examined and the reasons for selecting the proposed site;
- (d) Does the site conform to stipulated land use as per local land use plan:
2. Objectives of the project:
3. (a) Land Requirement:
 Agriculture Land:
 Forest land and Density of vegetation.
 Other (specify):
- (b) (i) Land use in the Catchment/within 10 Kms. radius of the proposed site:
 (ii) Topography of the area indicating gradient, aspects and altitude;
 (iii) Erodability classification of the proposed land:
- (c) Pollution sources existing in 10 km. radius and their impact on quality of air, water & land:
- (d) Distance of the nearest National Park/Sanctuary/Biosphere Reserve/Monuments/heritage site/Reserve Forest:
- (e) Rehabilitation on plan for quarries/borrow areas;
- (f) Green belt plan:
- (g) Compensatory afforestation plan;
4. Climate and Air Quality:
 (a) Windrose at site:
 (b) Max./Min./Mean annual temperature

- (c) Frequency of inversion:
 - (d) Frequency of cyclones tornadoes cloud burst:
 - (e) Ambient air quality data;
 - (f) Nature & concentration of emission of SPM, Gas (Co, Co₁, NOx, CH_n etc) from the project:
5. Water balance:
- (a) Water balance at site:
 - (b) Lean season water availability:
Water Requirement:
 - (c) Source to be tapped with competing users (River, lake, Ground, Public supply);
 - (d) Water quality:
 - (e) Changes observed in quality and quantity of ground water in the last 15 years and present charging & extraction details:
 - (f) (i) Quantum of waste water to be released with treatment details;
 - (ii) Quantum of quality of water in the receiving body before and after disposal of solid wastes;
 - (iii) Quantum of waste water to be released on land and type of land;
 - (g) (i) Details of reservoir water quality with necessary Catchment Treatment Plan;
 - (ii) Command Area Development Plan;
6. Solid Wastes:
- (a) Nature and quantity of solid wastes generated.
 - (b) Solid waste disposal method:
7. Noise and Vibrations:
- (a) Sources of noise and Vibrations;
 - (b) Ambient noise level:
 - (c) Noise and Vibration control measures proposed;
 - (d) Subsidence problem if any with control measures;
8. Power requirement indicating source of supply; Complete environmental details to be furnished separately, if captive power unit proposed;
9. Peak labour force to be deployed giving details of:
- Endemic health problems in the area due to waste water/air/soil borne diseases:
 - Health care system existing and proposal:
10. (a) Number of village and population to be displaced;
- (b) Rehabilitation Master Plan:

11. Risk assessment report and Disaster Management Plan:
12.

(a) Environmental Impact Assessment (b) Environment Management Plan: (c) Detailed Feasibility Report: (d) Duly filled in questionnaire	} } } }	Report prepared as per guidelines of time to time.
---	------------------	--
13. Details of Environmental Management Cell:

I hereby give an undertaking that the data and information given above are true to the best of my knowledge and belief and I am aware that if any part of the data/information submitted is found to be false or misleading at any stage, the project be rejected and the clearance given, if any, to the project is likely to be revoked at our risk and cost.

Date :
Place:

Signature of the applicant
with name and full address

Given under the seal of
Organisation on behalf of
whom the applicant is
signing.

In respect to item for which data are not required or is not available as per the declaration of project proponent, the project would be considered on that basis.

SCHEDULE III

[See sub-para II(a) of Para 3]

COMPOSITION OF THE EXPERT COMMITTEES FOR ENVIRONMENTAL IMPACT ASSESSMENT

1. The evaluation and assessment of development projects at the Central or State level will be undertaken by Experts Committees consisting of experts in each discipline constituted as under:

- (i) Eco-System Management
- (ii) Air/Water Pollution Control
- (iii) Water Resource Management
- (iv) Flora/Fauna conservation and management
- (v) Land Use Planning
- (vi) Social Sciences/Rehabilitation
- (vii) Project Appraisal

- (viii) Ecology
- (ix) Environmental Health
- (x) Subject Area Specialists
- (xi) Representatives of NGOs/persons concerned with environmental issues.

2. The Chairman will be outstanding and experienced ecologist or environmentalist or technical professional or wide managerial experience in the relevant development sector.

3. The representative of Impacts Assessment Agency/Central/State will act as a Member-Secretary.

4. Chairman and Members will serve in their individual capacities except those specifically nominated as representatives.

5. The Membership of a Committee shall not exceed 15.

NOTIFICATION CONSTITUTING THE TUNGABHADRA BOARD

NOTIFICATION NO.DW VI 4(9) DATED 10.3.1955

In pursuance of Sub-Section (4) of Section 66 of the Andhra State Act (30 of 1953) and in supersession of the Notification of the Government of India in the Ministry of Irrigation and Power dated 29-9-1953, the president hereby gives the following directions in regard to the Tungabhadra Board namely:-

1. There shall be established with effect from the 15th March 1955, a Board by the name of the Tungabhadra Board consisting of:-

CHAIRMAN:- Nominated by the Government of India.

xxx xxx xxx xxx xxx

MEMBER: (Representative of Government of Andhra Pradesh)

1. xxx xxx xxx xxx xxx

(Representative of Government of Karnataka)

2. xxx xxx xxx xxx xxx

(Representative of Government of India)

xxx xxx xxx xxx xxx

2. The Chairman, if present, shall preside over a meeting of the Board, but, if the Chairman is absent from any meeting of the Board, the Members shall choose one of their Member to preside.

3(i) All matters relating to the Project works of Common interest to the States of Andhra Pradesh and Karnataka, brought before any Meeting of the Board shall be decided by a majority the Members of the Board present and voting at the Meeting before which such matters are brought and the decision of the Board shall be final.

Provided that where with reference to any matter brought before the Board, the Chairman is satisfied that there is a difference of opinion among the Members on any question of policy or the rights of the States concerned involved in the consideration of such matter, the Chairman shall refer the matter to the Central Government whose decision thereon shall be final.

Explanations:I If any member raises at any meeting of the Board any point as to whether a question is a question of policy or whether any rights of the States concerned are involved in the consideration of the matter before the Board, a decision on the points so raised shall be given by the Chairman.

II. Where any Member dissents from any decision so given by the Chairman it shall be lawful for the State Government whose representative that Member is to represent to the Government of India through the Chairman the matter on which a decision has been given by the Chairman and where this is so done, the Chairman shall refer the matter to the Central Government whose decision thereon shall be final,

(ii) Subject to the provisions of sub-paragraph (i) the Board may make rules for the conduct of its own business.

(iii) No act or proceedings of the Board shall be invalid merely on the ground of the existence of any vacancy in, or absence of any member of, the Board.

4. (i) The Board shall take charge of, and deal with, all matters relating to works on or connected with the Tungabhadra Project which are common to both the States of Andhra Pradesh and Karnataka but nothing in this sub-paragraph shall be deemed to authorise the Board to deal with any matter in respect of works which relate to only one of the States or in which only one State is interested.

(ii) In particular and without prejudice to the generality of the foregoing powers, the functions of the Board shall include:-

- (a) the completion of the construction of the sanctioned Tungabhadra Project;
- (b) the regulation of supplies of water and power in accordance with such rules as may be made in this behalf by the Board;
- (c) the maintenance of the main canal and of other works common to both the states of Andhra Pradesh and Karnataka;
- (d) maintenance of the dam and reservoir of the project;
- (e) the granting of leases of fisheries in the Reservoir and in the main canal;
- (f) the proper utilisation of land acquired for the purposes of the project; and
- (g) any other function incidental to, or connected with the functions specified in clauses (a) to (f).

5. (i) For the efficient performance of its functions, the Board may appoint a whole time Secretary and such other officers and servants as it considers necessary.

(ii) During any absence on leave of the Secretary, the Board shall appoint a person to act as Secretary and every person so appointed shall exercise the powers conferred and perform the duties imposed on the Secretary by or under this Notification.

(iii) All orders and decisions of the Board shall be authenticated by the signature of the Secretary of the Board.

6. (i) The Government of Andhra Pradesh and Karnataka shall provide at all times the necessary funds for the construction and maintenance of the Tungabhadra Project;

as may be agreed upon between the said State Governments and in the absence of any such agreement as may be determined in this behalf by the Board.

Provided that all correspondence between the State Governments with respect to such agreements shall be carried on through the Chairman.

(ii) The staff for the time being employed in connection with the project shall be deemed to be employed under the administrative control of the Board.

10. Plant, machinery, equipment and stores purchased for and in connection with the Tungabhadra Project shall be under the control of the Board and shall be used on the entire project under the directions of the Board.

11. The Government of Andhra Pradesh and Karnataka may depute such persons as they may nominate or designate either generally or specially to inspect the works on or connected with the Tungbhadra Project which are common to both the States of Andhra Pradesh and Karnataka.

SCHEDULE
(See Paragraph 7)

- 1) Madras public works Account Code with Appendies.
- 2) Madras Public Works Department Code.
- 3) Madras Detailed Standard Specifications.
- 4) Madras Account Code.
- 5) Madras Electricity Manual.
- 6) Madras Financial Code.
- 7) Madras Treasury Code.
- 8) Madras Budget Manual.
- 9) Fundamental Rules and Subsidiary Rules of the Madras Government.
- 10) Madras Manual of Special pay and Allowances.
- 11) Madras Pension Code.
- 12) General Provident Fund (Madras) Rules.
- 13) Contributory provident Fund (Madras) Rules.
- 14) Madras Contributory Provident Fund Pension Insurance Rules, 1950.
- 15) Madras Security Rules 1937.
- 16) Madras Services Manual.
- 17) Madras Commerical Taxes Manual, Volume I to III.
18. Madras Printing Manual.
- 19) Madras Stationery Manual.

Sd. S.Venkatraman,,
Deputy Secretary.

True copy

Sd/-
Assistant Secretary,
Tungabhadra Board
Tungabhadra Dam.

GOVERNMENT OF INDIA
RESOLUTION OF GOVERNMENT OF INDIA DATED 19TH
DECEMBER, 1958 FOR SETTING UP THE RAJASTHAN
CANAL BOARD

RESOLUTION

NO, DW, III-26(4)/58. At a conference held on the 7th November, 1958 in New Delhi at which the representative of the Central Government and the State Governments of Punjab and Rajasthan were present, it was decided to set up a 'Committee of Direction' and a 'Rajasthan Canal Board' to ensure efficient, economical and early execution of the Rajasthan Canal Project, including all connected works in Punjab and Rajasthan and the colonisation of the areas covered by the Project. It was also agreed that the colonisation policy should be determined by the Central Government in consultation with the Governments of Rajasthan and Punjab. The terms of the agreement arrived at between the various Governments concerned are set out below:-

CONSTITUTION OF THE COMMITTEE OF DIRECTION AND THE RAJASTHAN
CANAL BOARD.

With a view to ensure efficient, economical and early execution of the Rajasthan Canal Project including all connected works in Punjab and Rajasthan and implementation of the colonisation policy, as determined from time to time by the Government of India in consultation with the Governments of Rajasthan and Punjab, the Central Government and the State Governments of Punjab and Rajasthan agree to set up a 'Committee of Direction' and a 'Rajasthan Canal Board' as described below. They also agree that the 'Committee of Direction' should lay down the overall policy in regard to the execution of the Rajasthan Canal Project and allied works and the Government of the entire area covered by the Project, and that the Rajasthan Canal Board should be in overall charge of the Project and the development of the Project areas in accordance with the policy laid down by the Committee of Direction; from time to time. The participating Government also offer that the actual work of construction should be carried out under the direction of the Rajasthan Canal Board by the Chief Engineer concerned of the State in which the work lies.

2. The participating State Governments further agree to delegate powers to and authorise under article 299(1) of the Constitution their respective Chief Engineers to enter into contract for works, supplies and services at the direction of the Rajasthan Canal Board, such contracts shall be expressed to be made by the Governor of the State concerned. For purposes of implementing the colonisation policy, the actual field work will be

under the administrative control of an officer of the rank of Commissioner who would be appointed by the Government of Rajasthan. The Commissioner would be responsible to and shall in all matters comply with the directions given by the Rajasthan Canal Board from time to time.

3. CONSTITUTION AND FUNCTIONS OF THE COMMITTEE OF DIRECTION -

- 1) The Committee of Direction will consist of:
 - i) The Union Minister of Irrigation and Power or his representative;
 - ii) the Chief Minister of Rajasthan or his representative; and
 - iii) the Chief Minister of Punjab or his representative.

The Committee will be presided over by the union Minister of Irrigation and Power and in his absence by the Chief Minister of Rajasthan. The Chairman of the Rajasthan Canal Board, referred to in paragraph 4 infra, will act As Secretary to the Committee.

- 2) The meetings of the Committee shall be held once in every three months or at shorter intervals whenever considered necessary.

- 3) The committee of Direction will lay down the policy in regard to the execution of the Rajasthan Canal Project and allied works in accordance with the estimate as sanctioned from time to time and for the development of the entire area covered by the project. The committee will issue directions to the Board on such matters as it considers necessary or as may be referred to it by the Board.

CONSTITUTION AND FUNCTIONS OF THE RAJASTHAN CANAL BOARD

- 1) The Rajasthan Canal Board will consist of the following:
 - i) Chairman:
 - ii) Chairman, Central Water and Power Commission or his nominee.
 - iii) Joint Secretary, Ministry of Finance (or an officer deputed by him to attend any particular meeting);
 - iv) Secretary to the Government of Rajasthan Finance Department;
 - v) Chief Engineer in charge of the project in Rajasthan;
 - vi) Chief Engineer in charge of the project in Punjab;
 - vii) Colonisation Commissioner.

- 2) The Chairman of the Board will be appointed by the Government of Rajasthan in consultation with the Central Government. He will be assisted by the requisite staff. The Board will have a Financial Adviser who will be appointed by the Central Government in consultation with the Rajasthan Government.

The Secretary of the Board will be appointed by the Rajasthan Government on the recommendation of the Board. He will also work as Deputy Secretary to the Committee of Direction.

3) The Headquarters of the Board will be at such place in Rajasthan as the Government of Rajasthan may decide.

4) The Rajasthan Canal Board will be in overall charge of the project and development of the Project areas, it will implement;

- i) the policy laid by the Committee of Direction from time to time; and
- ii) the colonisation policy to be laid down by the Central Government in consultation with the Governments of Rajasthan and Punjab.

5) In particular and without prejudice to the generality of the provision in paragraph (4) above, the Rajasthan Canal Board under the general guidance of the Committee of Direction shall;

- i) prepare in consultation with the concerned Ministeries of the Central Government and Departments of the State Governments a Master Plan for the overall integrated development of the Project and project areas which will include the irrigation, system, land development, roads, railway, villages, industrial and marketing centres, etc.;
- ii) take steps for the preparation of necessary estimates of costs of different components of the Master Plan by the concerned authorities (including the Board), when so authorised, and for the execution of works by these authorities or the Board after the financial sanction has been obtained;
- iii) scrutinise the sanctioned estimate of the Rajasthan Canal Project and take such action for its modification and revision as may be found necessary from time to time. The project estimate will be sanctioned and, if necessary, subsequently revised by the Government of Rajasthan after such consultations with the Government of India and the Planning Commission as may be considered necessary;
- iv) examine and decide on all proposals for obtaining expert advise ;
- v) 'advise from time to time' regarding the delegation of such powers, both technical and financial, as it may deem necessary for efficient, economical and speedy execution of the project to the Chief Engineers, Superintending Engineers, Executive Engineers and Sub Divisional Officers engaged in the execution of the project;
- vi) advise from time to time regarding the delegation of such powers as may be found desirable and necessary to officers in charge of colonisation of the Government lands;

- vii) examine and, where necessary, lay down specifications and schedule of rates for various classes of work with a view to sound and efficient execution of the project;
- viii) approve (a) all detailed estimates and contracts the cost of which exceeds the powers of sanction of the Chief Engineer and (b) all proposals for award of work or supplies on contracts other than those based on public tenders and on detailed quantitative estimates and works allotted on work-order basis on scheduled rates. The contracts, however, shall be expressed to be made by the Governor of Rajasthan or the Government of Punjab, as the case may be, and shall be executed on their behalf by the officers authorised to do so, in accordance with powers delegated to them by the State Government concerned.

NOTE: 1. Where total financial liability under a contract is definitely ascertainable at the time of placing the contract and where the contract itself is the result of the public or limited call for tenders, prior submission of the proposals to the Board will not be necessary so long as the contract is otherwise within the powers of sanction of the Chief Engineers.

2) This will not affect the powers delegated from time to time to the Chief Engineers, Superintending Engineers, Executive Engineers and Sub-Divisional Officers.

a) from rules as to delegation of powers and procedure for the purpose of carrying out its business:

b) decide the programme of construction of the project, keeping in view the funds available, the progress of colonisation and development of project areas and the desirability of obtaining quick results;

c) take appropriate steps for the development of land and utilisation of canal waters including the setting up of demonstration and experimental farms;

d) work out detailed proposal on all matters pertaining to the colonisation of State wastelands under the projects including the terms on which such lands or any interest therein should be transferred, the selection of transferees, the mode of disposal and the recovery of the sale proceeds of the lands and or of lease money and, after obtaining the approval of the Central Government, take such steps as may be necessary to carry out the approved proposals;

e) recommend the grant of leases of fisheries in the Rajasthan Canal System. The Leases, however, shall be expressed to be granted by the Governor of Rajasthan or the Governor of Punjab, as the case may be, and shall be executed on their behalf by the officers authorised to do so in accordance with the powers delegated to them by the State Government concerned.

f) exercise, in relation to the technical sanction, administrative Approval and other sanctions required for the construction of the Rajasthan Canal Project and in relation to any other administrative matters concerning

the project, the power of the state Government under the various codes, manuals, rule and regulations, as may be delegated to it by the State Govt. concerned from time to time;

g. advise State Govt. concerned on administrative matters relating to the staff employed for the time being in connection with the project to the extent it may consider necessary.

h. receive monthly progress reports both as to works and expenditure in a prescribed form from the Chief Engineers, Punjab and Rajasthan, review the progress of the project and lay down steps to be taken to expedite the work, and

i. receive monthly progress reports from colonisation officers, review the progress of colonisation and lay down steps for coordinated development of the area.

Sd/-

(T. SIVASWONKAR)

Secretary to the Government of India

GOVERNMENT OF INDIA
MINISTRY OF IRRIGATION AND POWER

New Delhi, the 8th August, 1961.

RESOLUTION

No. DW-I-25(i)/60. As a result of the discussions in the conference held on 8th March and 21st July, 1961, in New Delhi, at which the representatives of the Central Government and the State Governments of Bihar and Uttar Pradesh were present, it has been decided to set up a Gandak Control Board to ensure efficient, economical and early execution of the Gandak Project including all connected works in Bihar, U.P. and Nepal. The terms of agreement arrived at between the Governments concerned are set out below:-

CONSTITUTION OF THE GANDAK CONTROL BOARD

With a view to ensuring efficient, economical and early execution of the Gandak Project, including all connected works in Bihar, U.P. and Nepal, the Central Government and the State Governments of Bihar and Uttar Pradesh agree to set up a Gandak Control Board as described below. They also agree that the Control Board shall be in over-all charge of all technical and financial aspects relating to the construction of the project, except the apportionment of cost of the project as between U.P. and Bihar. The actual construction will be carried out by the State Governments in respect of the works within their respective allotted spheres. The works, which lie in Nepal territory, will be executed by the Government of Bihar.

2. The participating State Governments further agree to delegate powers to the Chief Administrator, the Chief Engineers, and such other officers of the Gandak Project, as may be concerned, to contract for works, supplies and services under the direction of the Control Board, such contracts to be executed as on behalf of the Governments concerned.

3. The Control Board will consist of the following:-

- | | |
|---|----------|
| 1. Governor, Bihar | Chairman |
| 2. Irrigation Minister, Bihar | Member |
| 3. Irrigation Minister, U.P. | Member |
| 4. Secretary, Irrigation and Power,
Government of India or his
representative | Member |
| 5. Chairman, Central Water and
Power Commission or his
representative | Member |
| 6. Joint Secretary, Ministry of
Finance, Govt. of India or
his representative | Member |

7. Secretary, Irrigation and Power, U.P.	Member
8. Secretary, Finance, U.P.	Member
9. Chief Engineer, Irrigation, U.P.	Member
10. Development Commissioner, U.P.	Member
11. Secretary, Finance Bihar	Member
12. Chief Engineer, Irrigation, Gandak project	Member
13. A representative of the State Electricity Board, Bihar	Member
14. Development Commissioner, Bihar	Member
15. Chief Administrator, Gandak Project, Bihar	Member Secretary

(i) The Board's Office will be at Patna

(ii) The respective Governments of Bihar and Uttar Pradesh will appoint on the recommendation of the Control Board such staff as may be necessary for the purposes of the project, including staff for rendering financial advice and accounting staff. If necessary, a whole-time Financial Adviser-cum-C.A.O. may be appointed for the project and such appointment shall be made in consultation with the Central Government.

(iii) The Board shall have the powers to invite to its meeting such other officers as it may consider necessary.

5. In particular and without prejudice to the generalities of the provisions above, the Control Board shall -

- (i) Scrutinise the estimate of the project, advise necessary modifications and recommend the estimate for administrative approval of the Governments concerned;
- (ii) examine and decide all proposals for preparation of designs and for obtaining expert advice;
- (iii) examine and recommend from time to time the delegation of such powers, administrative, technical and financial as it may deem necessary, for the efficient execution of the project to the Chief Administrator, Chief Engineers and other officers concerned with the execution of the project;
- (iv) examine and approve the line of action on matters arising out of the agreement with His Majesty's Government of Nepal on the Gandak Project;
- (v) examine and lay down specifications and schedule of rates for various classes of works with a view to sound and efficient execution of the project;

- (vi) Approve all sub-estimates and contracts the cost of which exceeds the power of sanction of the Chief Administrator and the Chief Engineers;
 - (vii) approve all proposals for award of works or supplies on contract which exceed the powers of the Chief Administrator and the Chief Engineers;
 - (viii) decide the programme of construction of different parts of the project in the participating States, keeping in view the funds available, the economics of the project and desirability of obtaining quick results;
 - (ix) receive such progress reports as it may prescribe regarding the works and expenditure in the prescribed form from the Chief Administrator and the Chief Engineers, review the progress of different units of the Project and lay down steps to be taken to expedite the work;
 - (x) bring to the notice of the State Governments concerned, where necessary, any instances of lapses or irregularities on the part of any of project staff and request the State Governments to inform the Board of the action taken; and
 - (xi) decide on the programme of resettlement of persons displaced as a result of the project works and scrutinize and recommend expenditure on resettlement.
6. The Control Board will frame its own rules of business. It may constitute a Standing Committee and entrust to it such of its day to day functions and delegate to the Committee such of its powers as it may deem fit. The Board may also appoint sub-Committees to carry out specific assignment.

ORDER

Ordered that the above Resolution be communicated to the Governments of Bihar and U.P. the Ministers of the Government of India, Prime Minister's Secretariat, Cabinet Secretariat, Secretary to the President, the Planning Commission and the Comptroller & Auditor General of India.

Ordered also that the Resolution be published in the Gazette of India and the State Governments concerned be requested to publish the same in the State Gazettes for general information.

Sd/-
(M.R. Sachdev)
Secretary to the Government of India

(TO BE PUBLISHED IN THE GAZETTE OF INDIA, PART-I, SECTION-I)

.....

No.DW.I-72(1)/71
GOVERNMENT OF INDIA
MINISTER OF IRRIGATION & POWER

New Delhi, the 27th November, 1971.

RESOLUTION

In consultation with the Government of Rajasthan and Gujarat it has been decided to set up a Mahi Control Board with a view to ensuring the efficient, economical and early execution of the Mahi Bajajisagar Project, including all connected work in the State of Rajasthan. The control Board will be in overall charge of the Project including its technical and financial aspects. The actual works of construction will be carried out under the direction of the control Board by the Chief Engineer concerned of the Rajasthan Government.

2. The two state Governments agree to delegate powers to the Chief Engineer, Rajasthan, to contract for work, supplies and services under the direction of the control Board, the contracts in respect of all works will however be executed in the name of the Government of Rajasthan.

3. The two State Governments further agree that the Control Board's functions may be extended to cover such aspects of Mahi Kadana Project under construction by the Government of Gujarat as may be agreed to by the two Governments.

4. The Mahi Control Board will consist of the following:-

i) Minister of Irrigation & Power Government of India	Chairman
ii) Deputy Minister, Minister of Irrigation & Power, Govt. of India	Member
iii) Minister in Charge of Mahi Bajajisagar Project, Rajasthan Government	Member
iv) Minister in Charge of Mahi Kadana Project, Gujarat Government	Member
v) Secretary, Ministry of Irrigation & Power of his nominee	Member
vi) Joint Secretary, Ministry of Finance (Deptt. of Expenditure) Govt. of India or his representative	Member
vii) Chairman, Central Water & Power Commission, or alternative nominated by him	Member
viii) Chief Engineer, Mahi Bajajisagar Project Rajasthan Government	Member

ix) Chief Engineer, Mahi Kadana Project Gujarat Government	Member
x) Secretary, Finance Department (Expenditure) Government of Rajasthan	Member
xi) Secretary, Finance Department, Government of Gujarat	Member
xii) Secretary, Irrigation and Power Department, Govt. of Rajasthan	Member
xiii) Secretary, Irrigation Department Government of Gujarat	Member
xiv) Secretary, Revenue Department, Gujarat	Member
xv) Secretary, Revenue Department, Rajasthan	Member

The Minister in charge of Mahi Bajajsaagar Project, Rajasthan and Minister in charge of Mahi Kadana Project, Gujarat will be vice-Chairman for one year each by rotation commencing with the Minister, Rajasthan.

The Board will be assisted by a Secretary, Financial Adviser and such other staff as may be necessary.

The Headquarters of the Board will be fixed by the Board.

5. In particular and without prejudice to the generality of the provision in paragraph I above, the Mahi Control Board shall:-

- (i) Scrutinise the estimate of the project prepared by the Rajasthan State Government, advise necessary modifications and recommend the estimate for administrative approval of the Rajasthan Government;
- (ii) examine and decide all proposals for preparation of designs and for obtaining expert advice;
- (iii) examine and approve from time to time the delegation of such powers, both technical and financial, as it may deem necessary for the efficient execution of the project, to the Chief Engineer, Superintending Engineer, Executive Engineers and Sub-Divisional Officers engaged in the execution of the project;
- iv) examine, and where necessary, lay down specification and schedule of rates for various classes of work with a view to sound and efficient execution of the project;
- (v) approve all sub-estimates and contracts, the cost of which exceed the powers of sanction of the Chief Engineer.
- (vi) lay down guidelines for the preparation of sub-estimates and contracts which may be within the power of sanction of the Chief Engineers and other project engineers.
- (vii) approve all proposals for ward of work or supplies on contract other than those based on public tenders and on detailed quantitative estimates and works allotted on work order basis on schedule rates;

NOTE(1)

Where total financial liability under a contract is definitely ascertainable at the time of placing the contract and where the contract itself is the result of a public or limited call for tenders prior submission of the proposals to the control Board will not be necessary so long as the contract is otherwise within the powers of sanction of Chief Engineer.

NOTE(2)

This will not affect the powers delegated from time to time to the Chief Engineer, Superintending Engineers, Executive Engineers and Sub-divisional Officers.

- (viii) frame rules as to delegation of powers and procedure for the purpose of carrying out its business;
- (ix) Decide the programme of construction of different parts of the project in a coordinated manner keeping in view the funds available the economics of the project and the desirability of obtaining quick results;
- (x) examine the requirements of funds for the construction of work and other purposes for the execution of the project according to the programme laid down by the Board and advise the appointment of the expenditure to the two States, keeping in view the agreement between the States on the sharing of costs of the project.
- (xi) decide on the stage development of water and power and the withdrawals of water from the reservoir during the construction period for irrigation and power purposes with a view to securing best use of water available;
- (xii) decide the programme of resettlement of persons displaced as a result of the Mahi Bajajisagar Project works; scrutinise and approve the estimates of land reclamation and the expenditure incurred in resettlement and rehousing of the displaced persons including land acquisition and connected charges;
- (xiii) received monthly progress reports both as to works and expenditure in a prescribed form from the Chief Engineers, review the progress of different units of the project and lay down steps to be taken to expedite the work.

6. The Board will frame its Rules of Business.

Sd/-
(B.P.Patel)
Secretary to the Govt. of India.

ORDER

Ordered that this Resolution be communicated to all the State Government, the several Ministries of the Government of India, the Comptroller and Auditor General of India, Prime Minister's Secretariat, Secretary to the President and Planning Commission.

Ordered also that the Resolution be published in the Gazette of India and that the State Governments be requested to publish it in the State Gazettes for general information.

Sd/-

(B.P. Patel)

Secretary to the Govt. of India

BANSAGAR CONTROL BOARD
No.8/17/74-DW, III
GOVERNMENT OF INDIA
MINISTRY OF AGRICULTURE & IRRIGATION
(KRISHI AUR SINCHAI MANTRALAYA)
DEPARTMENT OF IRRIGATION
(SINCHAI VIBHAG)

New Delhi, the 30th Jan, 1976.
10th Magha 1987 S.E.

R E S O L U T I O N

*In consultation with the Government of Madhya Pradesh, Bihar and Uttar Pradesh, it has been decided to set up the Bansagar Control Board with a view to ensuring the efficient, economical and early execution of the Bansagar Project in Madhya Pradesh including all connected works. The Control Board will be in overall charge of the project including its technical and financial aspects. The actual works of construction will be carried out under the direction of the Control Board by the Chief Engineer concerned of the Madhya Pradesh Government.

2. The three State Governments agree to delegate powers to the Chief Engineer, Madhya Pradesh, to contract for works, supplies and services under the direction of the Control Board. The contracts in respect of all works will, however, be executed in the name of the Governor of Madhya Pradesh.
3. The Bansagar Control Board will consist of the following:-

a) Union Minister-in-charge of Irrigation	Chairman
a1) Union Minister-incharge of Power	Member
b) Chief Minister of Madhya Pradesh	Member
c) Chief Minister of Uttar Pradesh	Member
d) Chief Minister of Bihar	Member
e) Finance Minister of Madhya Pradesh	Member
f) Finance Minister of Uttar Pradesh	Member
g) Finance Minister of Bihar	Member
h) Irrigation Minister of Madhya Pradesh	Member
i) Irrigation Minister of Uttar Pradesh	Member
j) Irrigation Minister of Bihar	Member
k) Minister in charge of Electricity, Madhya Pradesh	Member

4. The Chief Minister of Madhya Pradesh, Bihar and Uttar Pradesh will be Vice-Chairman for one year each by rotation, commencing with the Chief Minister of Madhya Pradesh.
5. The Board will be assisted by a Secretary, Financial - Adviser and such other staff as may be necessary.
6. The headquarters of the Board will be fixed by the Board.
7. In particular and without prejudice to the generality of the provision in paragraph I above the Bansagar Control Board shall :-
 - i) Scrutinise the estimate of the project prepared by the Madhya Pradesh Government, advise necessary modifications and recommended the estimate for administrative approval of the Madhya Pradesh Government;
 - ii) Examine and decide all proposals for preparation of designs and for obtaining expert advice;
 - iii) Examine and approve from time to time the delegation of such powers, both technical and financial, as it may deem necessary for the efficient execution of the project, to the Chief Engineer Superintending Engineer, Executive Engineers and Sub-divisional Officers engaged in the execution of the project;
 - iv) Examine, and where necessary, lay down specification and schedule of rates for various classes of works with a view to sound and efficient execution of the project;
 - v) Approve all sub-estimates and contracts the cost of which exceeds the powers of sanction of the Chief Engineer;
 - vi) Laydown guidelines for the preparation of sub-estimates and contracts which may be within the power of sanction of the Chief Engineer and other project engineers;
 - vii) Approve all proposals for award of work or supplies on contract other than those based on public tenders and on detailed quantitative estimates and works allotted on work order basis on schedule rates.

NOTE: (1)

Where total financial liability under a contract is definitely ascertainable at the time of placing the contract and where the contract itself is the result of a public or limited call for tenders, prior submission of the proposals to the Control Board will not be necessary so long as the contract is otherwise within the powers of sanction of Chief Engineer.

NOTE: (2)

This will not affect the powers delegated from time to time to the Chief Engineer, Superintending Engineer, Executive Engineers and Sub-Divisional Officers.

- viii) Frame rules as to delegation of power and procedure for the purpose of carrying out its business;
- ix) Decide the programme of construction of different parts of the project in a coordinated manner keeping in view the funds available, the economics of the project and the desirability of obtaining quick results;
- x) Examine the requirements of funds for the construction of works and other purposes for the execution of the project according to the programme laid down by the Board and advise the apportionment of the expenditure to the three states, keeping in view the agreement between the States on the sharing of cost of the project;
- xi) Decide on the phased development of water and power and the withdrawals of water from the reservoir during the construction period for irrigation and power purposes with a view to securing best use of water available;
- xii) Decide the programme of resettlement of persons displaced as a result of the Bansagar project works, scrutinize and approve the estimates of land reclamation and the expenditure incurred in resettlement and rehousing of the displaced persons including land acquisition and connected charges.
- xiii) Receive monthly progress reports both as to works and expenditure in a prescribed form from the Chief Engineer, review the progress of different units of the project and lay down steps to be taken to expedite the work.

EXECUTIVE COMMITTEE

- 8 1) Subject to the general superintendence and control of the Board, the management of the affairs of the Board shall vest in an Executive Committee.
- 2) The Secretary/Additional Secretary to the Government of India, incharge of Irrigation, shall be the Chairman of the Executive Committee and the other members of the Executive Committee shall be the following namely:-
 - a) The Chairman, Central Water Commission & ex-officio Secretary to the Government of India.
 - (i) The Joint Secretary of the Union Ministry of Energy (Department of Power);*
 - b) The Joint Secretary in the Union Ministry of Finance (Department of Expenditure);
 - c) The Secretaries in-charge of the Finance Departments of the Governments of Madhya Pradesh, Bihar and Uttar Pradesh.
 - d) The Secretaries/Irrigation Commissioner-cum-Principal Secretary in-charge of Irrigation Department of the Governments of Madhya Pradesh, Bihar, and Uttar Pradesh.
 - e) Secretary, Electricity Department, Madhya Pradesh Government;
 - f) Engineer-in-Chief/Chief Engineer, Madhya Pradesh, Bihar and Uttar Pradesh.
 - g) Chairman, Madhya Pradesh Electricity Board;
 - h) The Chief Engineer and the Financial Advisor, Bansagar Project;
- 9 Subject to the rules and the orders of the Board, the Executive Committee may exercise any power and do any act or thing which may be exercised or done by the Board.
- 10 The Board will frame its Rules of Business.

Sd/-
(C.C.Patel)
Additional Secretary to
the Govt. of India

ORDER

Ordered that this Resolution be communicated to all the State Governments, Union Territories, the Private and Military Secretaries to the President, Prime Minister's Secretariat, the Controller and Auditor General of India, the Planning Commission and all Ministries/Departments of Central Government for information.

Ordered also that the Resolution be published in the Gazette of India and that the State Governments be requested to publish it in the State Gazettes for general information.

Sd/-
(C.C. Patel)
Additional Secretary to
the Govt. of India,

*Included as per Resolution dated 18.11.76.

(TO BE PUBLISHED IN THE GAZETTE OF INDIA, PART - I, SECTION-I)

No.8/17/74-DW-II
GOVERNMENT OF INDIA
(BHARAT SARKAR)
MINISTRY OF AGRICULTURE & IRRIGATION
(KRISHI AUR SINCHAI MANTRALAYA)
DEPARTMENT OF IRRIGATION
(SINCHAI VIBHAG)

New Delhi, the 28th March, 1978.
10th Magha 1987 S.E.

R E S O L U T I O N

The following amendments are made in Resolution No.8/17/74-DW-II dated the 30th January, 1976, constituting the Bansagar Control Board and the Executive Committee thereunder:-

BANSAGAR CONTROL BOARD

Para I is substituted as under:-

"In consultation with the Government of Madhya Pradesh, Bihar, and Uttar Pradesh, it has been decided to set up the Bansagar Control Board with a view to ensuring the efficient, economical and early execution of the Bansagar Dam including all connected works in Madhya Pradesh but excluding the canal systems which will be executed by the respective States namely Madhya Pradesh, Uttar Pradesh and Bihar. The Control Board will be in overall charge of the Project including its technical and financial aspects. The actual works of construction will be carried out under the direction of the Control Board by the Chief Engineer concerned of the Madhya Pradesh Government.

EXECUTIVE COMMITTEE

Entry (2) (b) & (e) in para 8 is substituted as under:-

- (b) Financial Adviser in the Union Ministry of Agriculture and Irrigation (Department of Irrigation).
- (e) Joint Secretary (Ganga Basin) in the Union Ministry of Agriculture and Irrigation (Department of Irrigation).

Sd/-
(S.B. KHARE)
Joint Secretary to
Govt. of India

O R D E R

Ordered that this Resolution be communicated to all the State Governments and Union Territories, the Private and Military Secretaries to the President, Prime Minister's Office, the Controller and Auditor General of India, the Planning Commission and all Ministries/Departments of Central Government for information.

Ordered also that the Resolution be published in the Gazette for general information.

Sd/-
(S.B. KHARE)
Joint Secretary to
Govt. of India

(TO BE PUBLISHED IN THE GAZETTE OF INDIA, PART-I SECTION-I)

No.11(2)/86-P.III
GOVERNMENT OF INDIA
MINISTRY OF WATER RESOURCES

New Delhi, dated the 24th March, 1986

R E S O L U T I O N

The following amendments are made in erstwhile Ministry of Agriculture and Irrigation (Deptt. of Irrigation) Resolution No.8/17/74-DW-II, dated the 30th January, 1976, dated the 10.11.76 and 28.3.1978 constituting the Bansagar Control Board and the Executive Committee thereunder:-

EXECUTIVE COMMITTEE

Entry(2) in para 8 is substituted as under:-

- 2) The Chairman, Central Water Commission and ex-officio Secretary in the Govt. of India shall be the Chairman of the Executive Committee and the other members of the Executive Committee shall be the following, namely:-
- a) Member (P&P), CWC & Ex-officio Addl. Secretary to the Govt. of India.
 - b) The Financial Adviser, Union Ministry of Water Resources.
 - c) The Secretaries in-charge of the Finance Departments of the Governments of Madhya Pradesh, Bihar and Uttar Pradesh.
 - d) The Secretaries/Irrigation Commissioner-cum-Principal Secretary in-charge of Irrigation Departments of the Government of Madhya Pradesh, Bihar and Uttar Pradesh.
 - e) The Commissioner (River Basins) Union Ministry of Water Resources.
 - f) The Engineer-in-Chief/Chief Engineer, Madhya Pradesh, Bihar and Uttar Pradesh.
 - g) The Chairman, Madhya Pradesh Electricity Board.
 - h) The Chief Engineer and Financial Adviser, Bansagar Project.
 - i) The Joint-Secretary (Hydel), Union Ministry of Energy (Deptt. of Power)

Sd/-
(BINOO SEN)
Joint Secretary to
Govt. of India

O R D E R

Ordered that this Resolution be communicated to all the State Governments, Union Territories, the Private and Military Secretaries to the President, Prime Minister's Office, the Controller and Auditor General of India, the Planning Commission and all Ministries/Departments of Central Government for information.

Ordered also that the Resolution be published in the Gazette of India and that the State Governments be requested to publish it in the State Gazettes for general information.

Sd/-

(BINOO SEN)

Joint Secretary to
Govt. of India.

FUNCTIONS OF THE EXECUTIVE COMMITTEE

Subject to the general superintendence and control of the Board, the management of the affairs of the Board shall vest in an Executive Committee.

The Board may entrust the Executive Committee with such of its functions and delegate to the Committee such of its powers as it may deem fit.

Subject to such directions as the Board may give from time to time the following functions are assigned to and powers delegated to the Executive Committee.

- i) To carry out survey and investigations and prepare a comprehensive project for the construction of the Bansagar Dam, finalise the same after consulting the Government of Madhya Pradesh, Uttar Pradesh and Bihar taking into account the suggestions, if any, made by those Governments and recommend to the Board the project report and estimates indicating inter-alia the allocation of the cost amongst the Governments of Bihar, Madhya Pradesh and Uttar Pradesh for administrative approval.
- ii) To recommend to the Govt. of M.P. to accord administrative approval to take up works, pending finalisation of project report and estimates.
- iii) To recommend to the Board the standards and specifications for implementation of the Bansagar Project and for the maintenance thereof.
- iv) To ensure the implementation of the Project in an efficient economical and expeditious manner in accordance with a phased programme to be approved by the Board.
- v) To consider and recommend to the Board the delegation of such powers-administrative, technical and financial to the Chief Engineer.
- vi) To consider and approve the delegation of powers administrative, technical and financial to other officers as may be deemed necessary.
- vii) To approve proposals for the acquisition of land for the project.
- viii) To recommend to the Board suitable norms and measures for rehabilitation of persons displaced consequent upon the construction of the Project.
- ix) To approve the cost control methods and arrangements for effective quality control and monitoring.
- x) To approve the budget proposals including supplementary budget proposals and programme of works for each year and to recommend the amounts to be provided by each of the three States in its budget and submit these for the information of the Board.
- xi) To approve the creation of posts for the office of the Board and the field formations, required for the construction of dam and allied works being executed under control of the Board.

- xii) To approve proposals for preparation of designs and obtaining expert advice.
- xiii) To approve all proposals for award of work and for supplies and purchases which are beyond the powers of the Chief Engineer.
- xiv) To recommend to the Board the changes in scope, stage of development and such other policy matters that may arise during the course of construction of the project.
- xv) To receive periodical progress reports of works and expenditure upto the month preceding the meeting date from the Chief Engineer and other concerned officers, review progress of different units of the project and lay down steps to be taken to expedite the work.
- xvi) To approve the constitution of Advisory Committee to assist the Executive Committee in efficient discharge of its functions.
- xvii) To recommend to the Board the withdrawals of water from the reservoir during the construction period with a view to securing optimum use of water available, consistent with safe and economic construction of the dam and appurtenant works.
- xviii) To decide other relevant matters not covered by any of the items mentioned above and falling beyond the powers of the Chief Engineer, the Secretary and the Financial Adviser, provided that the Chairman of the Executive Committee may, when he considers it advisable, refer any particular matter for consideration of the Board.

DETAILS & COMPOSITION OF SUB-COMMITTEES

1. Sub-Committee for processing tenders and proposals for purchase of stores and equipments:

The composition of the Sub-Committee is as follows:-

i)	Member (P and P), Central Water Commission	Chairman
ii)	Special Secretary/Joint Secretary/Deputy Secretary, Finance Department, M.P.	Member
iii)	Joint Secretary/Deputy Secretary, Finance Department, U.P.	Member
iv)	Joint Secretary/Deputy Secretary, Finance Department, Bihar	Member
v)	Engineer-in-Chief, Irrigation Department, M.P.	Member
vi)	Chief Engineer, Bansagar Project	Member
vii)	Chief Engineer Irrigation Department, U.P.	Member
viii)	Chief Engineer Irrigation Department, Bihar	Member
ix)	Financial Advisor, Bansagar Control Board	Member
x)	Secretary, Bansagar Control Board	Member-Secretary

The function of this Sub-Committee is to process tenders of works of Bansagar Dam and proposals for purchase of stores and equipment. The quorum for the meeting was fixed as five.

2. Sub-Committee for personal programme and buildings

i)	Joint Secretary (GB), Department of Irrigation, Govt. of India	Chairman
ii)	Special Secretary/Joint Secretary/Deputy Secretary, Finance Department, M.P.	Member
iii)	Joint Secretary/Deputy Secretary, Finance Department U.P.	Member
iv)	Joint Secretary/Deputy Secretary, Finance Department, Bihar	Member
v)	Engineer-in-Chief Irrigation Department, M.P.	Member
vi)	Chief Engineer, Irrigation Department, U.P.	Member
vii)	Chief Engineer, Irrigation Department, Bihar	Member

viii)	Chief Engineer, Bansagar Project	Member
ix)	Financial Advisor, Bansagar Control Board	Member
x)	Secretary, Bansagar Control Board	Member-Secretary

The function of this Sub-Committee is to examine the personnel programme and proposals for construction of buildings keeping in view the norms for plinth area and type of accommodation for various categories existing in the three States. The quorum for meeting was fixed as five.

3. Land Acquisition and Rehabilitation Sub-Committee:

The Composition of the Sub-Committee is as follows:-

i)	Commissioner, Rewa Division, Rewa	Chairman
ii)	Chief Engineer, Bansagar Project	Member
iii)	Land Acquisition Officer, Bansagar Project	Member
iv)	Rehabilitation Officer, Bansagar Project	Member
v)	Collector - Sidhi	Member
vi)	Collector - Satna	Member
vii)	Collector - Shahdol	Member
viii)	Collector - Rewa	Member
ix)	Joint Director Agriculture Rewa	Member
x)	Conservator of forest Rewa	Member
xi)	Joint Director, Town & Country Planning, Rewa	Member
xii)	Secretary Bansagar Control Board	Member-Secretary

The function of this sub-Committee is to work out the norms for compensation and rehabilitation, unified procedure for rehabilitation, sites for rehabilitation provision of infrastructure, etc.

4. Sub-Committee for Selection of Gazetted Staff for Bansagar Control Board

The Composition of Sub-Committee is as follows:-

- i) Chief Engineer, Bansagar Project
- ii) Financial Advisor, Bansagar Control Board
- iii) Secretary, Bansagar Control Board

This Sub-Committee selects suitable person for the post of Asstt. Secretary of the Board

5. Sub-Committee for Selection of Non-Gazetted Staff for Bansagar Control Board

The Composition of the Sub-Committee is as follows:-

- i) Secretary, Bansagar Control Board
- ii) Financial Adviser, Bansagar Control Board
- iii) Superintending Engineer, Bansagar Project Circle

6. Sub-Committee to examine and process claim cases of Contractors

The composition of the Sub-Committee is as follows:-

Chairman : Member, P&P, Central Water Commission New Delhi.

Members : (a) Engineer In Chief of M.P., U.P. and Bihar or their representatives not below the rank of Chief Engineer.

(b) Financial Adviser Bansagar Control Board

Member Secretary : Secretary Bansagar Control Board

(TO BE PUBLISHED IN THE GAZETTE OF INDIA, PART-I SECTION-I)

No.11(2)/86-P.III
Government of India
Ministry of Water Resources

New Delhi, the 30th May, 1988.

R E S O L U T I O N

The following amendments are made in erstwhile Ministry of Agriculture and Irrigation (Department of Irrigation) resolution No.8/17/74-WD-II dated the 30th January, 1976 (as amended vide resolutions No.8/17/74-DW-II dated the 18.11.1976, 28.3.1978 and Resolution No.11/2/86-P.III dated 24.3.1986) constituting the Bansagar Control Board and the Executive Committee thereunder:-

EXECUTIVE COMMITTEE

(2) in para 8 is substituted as under:-

The Chairman, Central Water Commission and ex-officio Secretary in the Government of India shall be the Chairman of the Executive Committee and the other members of the Executive Committee shall be the following, namely:

- i) Member (P&P), CWC & Ex-Officio Additional Secretary to the Government of India.
- ii) Financial Adviser, Union Ministry of Water Resources
- iii) Secretaries, in-charge of the Finance Departments of the Governments of Madhya Pradesh, Bihar and Uttar Pradesh
- iv) Secretaries/Irrigation Commissioner-cum-principal Secretary, in-charge of Irrigation Departments of the Governments of Madhya Pradesh, Bihar and Uttar Pradesh
- v) Commissioner (Project), Union Ministry of Water Resources
- vi) Engineer-in-Chief/Chief Engineer, Madhya Pradesh, Bihar and Uttar Pradesh
- vii) Chairman, Madhya Pradesh Electricity Board
- viii) Chief Engineer and Financial Adviser, Bansagar Project
- ix) Joint Secretary (Hydel), Union Ministry of Energy, Department of Power
- x) Commissioner, Land Acquisition & Rehabilitation Bansagar Project

Sd/-
(NARESH CHANDRA)
SECRETARY TO THE GOVERNMENT OF INDIA

O R D E R

ORDERED THAT THIS Resolution by communicated to all the State Governments and Union Territories, the Private and Military Secretaries to the President, Prime Minister's Office, the Comptroller and Auditor General of India, the Planning Commission and all Ministries' Departments of Central Government for information.

Ordered also that the Resolution be published in the Gazette of India and that the State Governments be requested to publish it in the State Gazette for general information.

sd/-
(NARESH CHANDRA)
SECRETARY TO THE GOVERNMENT OF INDIA

FUNCTIONS OF THE EXECUTIVE COMMITTEE

Subject to the general superintendence and control of the Board, the management of the affairs of the Board shall vest in an Executive Committee.

The Board may entrust the Executive Committee with such of its functions and delegate to the Committee such of its powers as it may deem fit.

Subject to such directions as the Board may give from time to time, the following functions are assigned to and powers delegated to the Executive Committee:-

- i) To carry out survey and investigations and prepare a comprehensive project report for the construction of the Bansagar Dam, finalise the same after consulting the Government of Madhya Pradesh, Uttar Pradesh and Bihar taking into account the suggestions, if any made by those Governments and recommend to the Board the project report and estimates indicating inter-alia the allocation of the cost amongst the Governments of Bihar, Madhya Pradesh and Uttar Pradesh for administrative approval.
- ii) To recommend to the Govt. of M.P. to accord administrative approval to take up works, pending finalisation of project report and estimates.
- iii) To recommend to the Board the standards and specifications for implementation of the Bansagar project and for the maintenance thereof.
- iv) To ensure the implementation of the project in an efficient economical and expeditious manner in accordance with a phased programme to be approved by the Board.
- v) To consider and recommend to the Board the delegation of such powers-administrative, technical and financial to the Chief Engineer.
- vi) To consider and approve the delegation of powers administrative, technical and financial to other officers as may be deemed necessary.
- vii) To approve proposals for the acquisition of land for the project.
- viii) To recommend to the Board suitable norms and measures for rehabilitation of persons displaced consequent upon the construction of the project.
- ix) To approve the cost control methods and arrangements for effective quality control and monitoring.

- x) To approve the budget proposals including supplementary budget proposals and Programme of works for each year and to recommend the amounts to be provided by each of the three States in its budget and submit these for the information of the Board.
- xi) To approve the creation of posts for the office of the Board and the field formations, required for the construction of dam and allied works, being executed under control of the Board,
- xii) To approve proposals for preparation of designs and obtaining expert advice.
- xiii) To approve all proposals for award of work and for supplies and purchases which are beyond the powers of the Chief Engineer.
- xiv) To recommend to the Board the changes in scope, stage, development and such other policy matters that may arise during the course of construction of the project.
- xv) To receive periodical progress reports of works and expenditure upto the month preceding the meeting date, from the Chief Engineer and other concerned officers, review progress of different units of the project and lay down steps, to be taken to expedite the work.
- xvi) To approve the constitution of Advisory Committee to assist the Executive Committee in efficient discharge of its functions.
- xvii) To recommend to the Board the withdrawals of water from the reservoir during the construction period with a view to securing optimum use of water available, consistent with safe and economic construction of the dam and appurtenant works.
- xviii) To decide other relevant matters not covered by any of the items mentioned above and falling beyond the powers of the Chief Engineer, the Secretary and the Financial Adviser, provided that the Chairman of the Executive Committee may, when he considers it advisable, refer any particular matter for consideration of the Board.

DETAILS & COMPOSITION OF SUB-COMMITTEES

1. Sub-Committee for processing tenders and proposals for purchase of stores and equipments:

The composition of the sub-committee is as follows:-

- | | | |
|------|---|----------|
| i) | *Member (P&P), Central Water Commission | Chairman |
| ii) | Special Secretary/Joint Secretary/Deputy Secretary, Finance, M.P. | Member |
| iii) | Joint Secretary/Deputy Secretary, Finance Department, U.P. | Member |

iv)	Joint Secretary/Deputy Secretary, Finance Department, Bihar	Member
v)	Engineer-in-Chief, Irrigation Deptt. M.P.	Member
vi)	Chief Engineer (C.M.O.) C.W.C. New Delhi	Member
vii)	Chief Engineer, Bansagar Project	Member
viii)	Chief Engineer, Irrigation Deptt. U.P.	Member
ix)	Chief Engineer, Irrigation Deptt. Bihar	Member
x)	Finance Adviser, Bansagar Control Board	Member
xi)	Secretary, Bansagar Control Board	Member Secretary

The function of this Sub-Committee is to process tenders of works of Bansagar Dam and proposals for purchase of stores and equipment. The quorum for the meeting was fixed as five.

2. Sub-Committee for personnel programme and buildings:-

i)	Joint Secretary (GB), Deptt. of Irrigation, Govt. of India	Chairman
ii)	Special Secretary/Joint Secretary/Deputy Secretary Finance, M.P.	Member
iii)	Joint Secretary/Deputy Secretary, Finance Department, U.P.	Member
iv)	Joint Secretary/Deputy Secretary, Finance Department, Bihar	Member
v)	Engineer-in-Chief, Irrigation Deptt, M.P.	Member
vi)	Chief Engineer, Irrigation Deptt., U.P.	Member
vii)	Chief Engineer, Irrigation Deptt. Bihar	Member
viii)	Chief Engineer, Bansagar Project	Member
ix)	Financial Adviser, Bansagar Control Board	Member
x)	Secretary, Bansagar Control Board	Member Secretary

The function of this sub-committee is to examine the personnel programme and proposals for construction of buildings keeping in view the norms for plinth area and type of accommodation for various categories existing in the three States. The quorum for meeting was fixed as five.

3. Land Acquisition and Rehabilitation Sub-Committee

The Composition of the Sub-Committee is as follows:-

i)	Commissioner, Rewa Division, Rewa	Chairman
ii)	Chief Engineer, Bansagar Project	Member
iii)	Land Acquisition Officer, Bansagar Project	Member
iv)	Rehabilitation Officer, Bansagar Project	Member
v)	Collector - Sidhi	Member
vi)	Collector - Satna	Member
vii)	Collector - Shahdol	Member
viii)	Collector - Rewa	Member
ix)	Joint Director, Agriculture, Rewa	Member
x)	Conservator of forest Rewa	Member
xi)	Joint Director, Town & Country Planning, Rewa	Member
xii)	Secretary, Bansagar Control Board	Member Secretary

The function of this sub-committee is to work out the norms for compensation and rehabilitation, unified procedure for rehabilitation, sites for rehabilitation, provision of infrastructure, etc.

4. Sub-Committee for Selection of Gazetted staff, for Bansagar, Control Board:

The composition of sub-committee is as follows:

- i) Chief Engineer, Bansagar Project
- ii) Financial Adviser, Bansagar Control Board
- iii) Secretary, Bansagar Control Board

This sub-committee selects suitable person for the Asstt. Secretary of the Board.

5. Sub-Committee for Selection of Non-Gazetted Staff for Bansagar Control Board:

The composition of the sub-committee is as follows:

- i) Secretary, Bansagar Control Board

ii) Financial Adviser, Bansagar Control Board

iii) Superintending Engineer, Bansagar Project, Circle

6. Sub-Committee to examine and process claim cases of Contractors:

The composition of the sub-committee is as follows:-

Chairman: Member, P&P, Central Water Commission, New Delhi.

Members : (a) Engineer-in-Chief of M.P., U.P. and Bihar or their representatives not below the rank of Chief Engineer.

(b) Financial Adviser, Bansagar Control Board

Member Secretary: Secretary, Bansagar Control Board

**REVISION IN THE FORMULA FOR SHARING THE PROCEEDS ASSESSED
AND COLLECTED UNDER THE WATER (PREVENTION AND CONTROL
OF POLLUTION) CESS ACT, 1977**

The objective of the Cess Act is to augment the resources of the State and Central Pollution Control Boards. The amendment approved by the Cabinet will introduce differentiated rates of cess, making this an economic instrument for abatement of pollution.

(2) In the Cess Act two authorities are employed, one for assessment and the other for of the cess collection. The Collection Authority is to be notified by the concerned State Government and the assessing authority is the Member-Secretary of the concerned State Pollution Control Board. In practice, in some cases the Member-Secretary of the Boards is the collecting authority as well.

(3) The proceeds of Cess collected are required to be sent to the GOI and deposited in the consolidated fund. The amount is provided in the budget and released as grant to the States. The basis is given in Sec.8, which states: 'The proceeds of the Cess levied under Sec.3 shall first be credited to the consolidated fund of India and the Central Government may, if Parliament, by appropriation made by law in this behalf, so provides, pay to the Central Board and every State Board, from time to time, form out of such proceeds, after deducting the expenses on collection, such sums of money as it may think fit for being utilised under the water (Prevention and Control of Pollution) Act, 1974 (Sec.6 of 1974).

Provided that while determining the sum of money to be paid to any State Board under this section, the Central Government shall have regard to the amount of Cess collected under sub section (4) of Sec.6".

(4) The disbursement is presently made according to the formula given below. This was determined by the Ministry (at that time Urban Development) in consultation with finance. The formula is as follows:

- | | | |
|----|---|---|
| 1. | Cost of collection of Cess to be the Collecting Authority | 7.5% of gross proceeds |
| 2. | Share of various State Boards are to be released in instalments according to actual need and requirement. | 80% of the net proceeds (i.e gross proceeds (-) cost of collection. |
| 3. | Incentive to the collecting authority (i.e State Govt. for prompt collection and payment) | 2.5% for the net proceeds |
| 4. | Amount to be retained by the Central Govt. for distribution among Central Board and State Boards as discretionary grants for specific work/prospects of Inter-State importance. | 17.5% of the net proceeds |

(5) The present annual collection of cess of Rs.10 crores is expected to go up to Rs.75 crores. This will result from the revision of rates, withdrawal of conversion for those setting up effluent treatment plants irrespective of the effect on reducing pollution; inclusion of additional units in the schedule and pressure to collect arrears and expedite action on stays etc.

(6) The approach of the State Pollution Control Boards continues to see the proceeds as a source of revenue. We have received a proposal to use part of these funds for staff welfare. There is also the existing provision to meet a share of the collection charges and provide incentives for prompt collection which are presently being followed in a mechanical manner by allowing them to all State Pollution Control Boards irrespective of actual expenditure or promptness.

(7) The following is suggested:

(1) It is proposed that 15% of the gross proceeds be retained by the Central Government to be disbursed for innovative schemes for abatement of pollution, particularly for waste minimisation in the chemical industry, and schemes affecting more than one State or Union Territory.

(2) It is proposed that 50% of the share of the proceeds to be released to each State be conditional on the implementation of priority programmes agreed to with the State Government's, eg. 15 Point Plan.

(8) The Revised sharing formula of the Cess would be as follows:

1. Cost of collection of Cess payable to the collection authority.	10% of gross proceeds from the State.
2. Share of concerned SPCB for abatement of pollution	75% of gross proceeds from the State
3. Amount retained by Central Government.	15% of total collection

(9) In line with the current objective to use the cess rate as a fiscal mechanism for control of pollution, the proposal simplifies the disbursal formula and includes a performance dis-incentive, or incentive, for the State Pollution Control Board. The proposal also specifically provides for additional resources for innovative schemes particularly to cover waste minimisation and problems covering more than one State.

Notification

(TO THE PUBLISHED IN THE GAZETTE OF INDIA, PART-I, SECTION-I)

GOVERNMENT OF INDIA
MINISTRY OF AGRICULTURE AND IRRIGATION
(DEPARTMENT OF IRRIGATION)

New Delhi-110001, the 18th January 1978.

RESOLUTION

No.21/9/70-DW(N) (IT) Vol.II. In partial modification of this Ministry's Resolution No.DW.III-26(4)/58 dated the 19th Dec., 1958 as amended vide Resolution No.22/7/66-D.W.I dated the 10th Dec., 68 Resolution No.21/9/70-DW(N) dated the 12th January 1972, Resolution No.21/9/71-DW(N) dated the 30th April 1973 and Resolution No.21/9/71-DW(N) dated the 2nd January, 1974. It has been decided to reconstitute the 'Rajasthan Canal Board', which will henceforth consist of:-

Rajasthan Canal Board:

1. Chairman, Rajasthan Canal Board
2. Financial Adviser, Union Minister of Agriculture and Irrigation (Department of Irrigation) (or an officer deputed by him to attend any particular meeting).
3. Joint Secretary, Department of Irrigation, Union Ministry of Agriculture and Irrigation (or an officer deputed by the him to attend any particular meeting)
4. Joint Secretary, Department of Agriculture, Union Ministry of Agriculture & Irrigation (or an officer deputed by the him to attend any particular meeting)
5. Member, Planning and Progress, Central Water Commission
6. Secretary to the Government of Rajasthan, Finance Deptt.
7. Area Development Commissioner, Rajasthan Canal Project
8. Chief Engineer, Rajasthan Canal Project
9. Chief Engineer, Command Area Development Rajasthan Canal Project and
10. Colonisation Commissioner, Government of Rajasthan

Sd/-
(O.P.CHADHA)
Joint Secretary to the Govt. of India

O R D E R

Ordered that this Resolution be communicated for information to the State Governments concerned and to the Ministries of Finance, Home Affairs and Agriculture and the Planning Commission.

Ordered also that the Resolution be published in the Gazette of India and that the State Governments concerned be requested to publish it in the State Gazette for general information.

Sd/-

(O.P. CHANDA)

Joint Secretary to the Govt. of India

Notification

(TO BE PUBLISHED IN PART II SECTION-3 SUB-SECTION(ii) OF THE GAZETTE OF INDIA)

GOVERNMENT OF INDIA
MINISTRY OF ENERGY
(DEPARTMENT OF POWER)

New Delhi, the 30th November, 1978

NOTIFICATION

S.O. _____ In exercise of the powers conferred by sub-sections (2) & (3) of section 80 of the Punjab Reorganisation Act, 1966 (31) of 1966, and in supersession of the notification of the Government of India in the Ministry of Energy No.S.O.4500, dated the 25th September, 1975, the Central Government, in consultation with the Governments of the successor States and the State of Rajasthan hereby constitute the Beas-Construction Board (hereinafter referred to as "the Board") consisting of the following persons, namely:-

Chairman

1. The Minister of Energy, Government of India

MEMBERS

2. The Chief Ministers of the States of Punjab, Haryana, Himachal Pradesh and Rajasthan.
3. One Minister each from the States of Punjab, Haryana Himachal Pradesh and Rajasthan to be nominated by the respective Governments;
4. The Minister of State in the Ministry of Energy, Government of India;
5. The Secretary to the Government of India, Ministry of Agriculture and Irrigation (Department of Irrigation);
6. The Secretary to the Government of India, Ministry of Energy (Department of Power);
7. The Joint Secretary (Indus) to the Government of India, Ministry of Agriculture and Irrigation (Department of Irrigation).
8. The Chairman, Central Water Commission/Member (Hydro Electric), Central Electricity Authority, Government of India;
9. The Financial Adviser to the Government of India, Department of Power, Ministry of Energy;

10. The Joint Secretary to the Government of India, Department of Power, Ministry of Energy;
11. The Secretaries in charge of Irrigation & Power of the Governments of Punjab, Haryana, and Rajasthan;
12. The Secretary in charge of Colonisation Department and the Secretary in charge of the Beas Project in the Government of Rajasthan.
13. The Secretary in charge of Finance of the Governments of Punjab, Haryana, Rajasthan & Himachal Pradesh;
14. The Financial Commissioner-cum-Secretary, Revenue Department, Himachal Pradesh;
15. The General Manager, Beas Project;
16. The Chairman, Bhakra Beas Management Board;
17. The Chairman, State Electricity Boards of Punjab, Haryana, Himachal Pradesh and Rajasthan;
18. The Member (Irrigation) and Member (Power), Bhakra Beas Management Board;
19. The Chief Engineer/Electrical (Power Station) and Chief Engineer/Electrical, (Transmission), Beas Construction Board;
20. The Chief Engineer, Beas Dam & the Chief Engineer, Beas Sutlej Link Project;
21. The Financial Adviser & Chief Accounts Officer, Beas Project; and
22. The Chief Engineer (Irrigation) Punjab, the Chief Engineer (Canals) Haryana, the Chief Engineer, Rajasthan Canal Project & the Chief Engineer, Public Health-cum-Irrigation, Himachal Pradesh;

and assigns to the Board the following functions, namely:-

- (a) The construction, in an efficient, economical & expeditious manner, of the Beas Project (hereinafter referred to as the project) including the completion of any work already commenced but excluding the fifth generating Unit of 120 MW capacity at Bhakra Right Bank Power House; and
- (b) all other functions in relation to the project, including:-
 - (i) Scrutiny of the project estimates and making of any modification thereto and recommending the estimates for the administrative approval of the Central Government;
 - (ii) delegation of such powers, both technical and financial, as the Board may deem necessary, to the General Manager and other officers employed on the execution of the project;

- (iii) regulation of the construction of different parts of the project and preparation of a phased programme of early utilisation of irrigation and power benefits;
 - (iv) recommending to the concerned Governments suitable soil conservation measures in respect of the catchment areas;
 - (v) recommending to the concerned Governments suitable measures for the development of pisciculture;
 - (vi) undertaking of suitable measures for the rehabilitation of persons displaced consequent of the construction of the project;
1. any other function which is supplemental, incidental, or consequential to all or any of the functions specified in clauses (a) and (b).
 2. The Board shall have a Secretariat, Financial Adviser and Chief Accounts Officer and such other staff as may be necessary.
 3. The Board may appoint such staff (other than General Manager, Beas project and Secretary to the Board, who shall be appointed by the Central Government), as may be necessary for the efficient discharge of its functions.

Sd/-

(P.M.BELLIAPPA)

Joint Secretary to the Government of India

F.No.15/4/78-D.III)

बिहार सरकार
सिंचाई अनुभाग

सं क लप

कोसी योजना सिंचाई परियोजना पूर्वी एवं पश्चिमी नहर प्रणाली तथा राजपुर नहर प्रणाली के एवं निर्धारित लक्ष्य के अनुसार कार्यान्वयन पर निर्णय रखने के लिए राज्य सरकार ने कोसी निबंधन परिषद के पुनर्गठन का निर्णय लिया है। निबंधन परिषद परियोजना का पूर्ण प्रभाव रहेगा, जिसके माध्यम से राज्य सरकार सामान्य रूप से तकनीकी एवं वित्तीय पहलुओं पर निरीक्षण करेगी। राज्य सरकार परियोजना के लक्ष्य के लिए आवश्यकतानुसार मुख्य अभियंताओं एवं अन्य अधिकारियों को नियुक्त करेगी।

२. निबंधन परिषद के निर्देश पर कोसी परियोजना के मुख्य अभियंता एवं अन्य संबंधित अधिकारियों को आवश्यकतानुसार कार्य संपादन हेतु सविदा आपूर्ति एवं सेवाओं के लिए शक्ति प्रदान की जायेगी किन्तु वैसी सविदा एवं राज्य सरकार के अधीन वैसी ही संपादित होगी

३. कोसी निबंधन परिषद का पुनर्गठन निम्न प्रकार से किया गया है :-

१.	मुख्य मंत्री, बिहार	अध्यक्ष
२.	सिंचाई मंत्री, बिहार/राज्य मंत्री सिंचाई बिहार	सदस्य
३.	विकास आयुक्त, बिहार	सदस्य
४.	वित्तीय आयुक्त, बिहार	सदस्य
५.	अध्यक्ष केन्द्रीय जल आयोग या उसके प्रतिनिधि	सदस्य
६.	वित्तीय परामर्शी एवं संयुक्त सचिव, सिंचाई मंत्रालय भारत सरकार या उसके प्रतिनिधि	सदस्य
७.	अभियंता प्रमुख-सह अपर आयुक्त-सह विशेष सचिव सिंचाई बिहार पटना	सदस्य
८.	सिंचाई आयुक्त, बिहार पटना।	

मुख्य अभियंता सिंचाई पूर्णिया, मुख्य अभियंता सिंचाई दरभंगा/तथा मुख्य अभियंता योजना एवं मॉनिटरिंग सिंचाई विभाग बिहार पटना, विशेष सचिव आमंत्रित पदाधिकारी के रूप में बैठकों में भाग लेंगे।

४/ उपर्युक्त कडिका-१ में निहित सामान्य प्रावधान पर कोई प्रतिकूल प्रभाव डालते हुये कोसी निबंधन परिषद निम्न विशिष्ट कार्यो का सम्पादन करेगा :-

१. केन्द्रीय जल आयोग द्वारा परियोजना के प्राक्कलन की समीक्षा करना, उसमें आवश्यक सुधार की सलाह देना, और प्राक्कलन पर राज्य सरकार का प्रशासनिक अनुमोदन प्राप्त करने हेतु अनुमति करना।

२. सह कोसी नदी की समस्या पर समेकित नियंत्रण हेतु भविष्य में कोसी एवं उसकी शाखा नदियों पर जलाशयों का निर्माण भू-संरक्षण कार्य जैसे चेक डैम, वन रोपन कार्य इत्यादि की समीक्षा करना एवं आवश्यकतानुसार निर्माण की अनुमति करना ।

३. रूपकन को तैयार करने तथा विशेषों से परामर्श लेने के प्रस्ताव की जाँच करना एवं उनपर निर्णय लेना ।

४. कोसी परियोजना से संबंधित नेपाल सरकार के साथ समझौता से उत्पन्न सभी पहलुओं पर आवश्यक कार्रवाई की छानबीन करना एवं उसका अनुमोदन करना ।

५. परियोजना के दक्षतापूर्वक कार्यान्वयन हेतु परियोजना में नियोजित मुख्य अधिकारियों एवं अन्य अधिकारियों को आवश्यकतानुसार शक्तियों का प्रत्यायोजन करने पर विचार कर निर्णय लेना ।

६. परियोजना के सफल कार्यान्वयन के दृष्टिकोण से विभिन्न प्रकार के कार्यों के लिए दृष्टि एवं विशिष्टियों की आवश्यकतानुसार जांचोपरांत निर्धारित करना ।

७. वैसे सभी उपप्राक्कलनों एवं निविदाओं जो मुख्य अभियन्ता को प्रदत्त शक्ति के बाहर हों, का अनुमोदन करना ।

८. सार्वजनिक निविदाओं पर या विस्तृत "क्वालिटेटिव" प्राक्कलनों और आदेश के आधार पर अनुसूचित दृष्टि पर सौंपे गये कार्यों को छोड़कर अन्य प्रकार के कार्य सौंपने या सविदा के आधार पर आपूर्ति करने के प्रस्ताव को स्वीकृत करना ।

नोट:- (१) जहाँ पर ठेका देते समय किसी ठेके के अन्तर्गत कुल वित्तीय दायित्व वास्तविकता से सुनिश्चित करने योग्य हो और जहाँ पर यह ठेका निविदाओं का सार्वजनिक या समिति आधार पर मँगे जाने के फलस्वरूप हो, ऐसे प्रस्तावों को, जब तक कि ये मुख्य अभियन्ता की प्रदत्त शक्तियों के बाहर न हों, जबतक निबंधन परिषद के समक्ष प्रस्तुत करने की आवश्यकता नहीं है ।

(२) प्रभाव समय-समय पर मुख्य अभियन्ता को प्रत्यायोजित शक्तियों पर नहीं पड़ेगा

९. राशि की उपलब्धता, योजना का एवं त्वरित लाभ प्राप्ति को ध्यान में रखकर, योजना के विभिन्न अंगों का निर्माण कार्य निर्धारित करना ।

सिंचाई का विकास, सिंचाई दृष्टि एवं मैन्ट के निर्धारण पर विचार कर अनुमति करना ।

११. जल शक्ति के उपयोग एवं विकास के लिए जाँच कर अनुमति करना ।

१२. योजना के निर्माण के फलस्वरूप विस्थापितों के पुनर्वास का कार्यक्रम निर्धारित करना तथा भूमि संरक्षण विस्थापितों के पुनर्वास पर व्यय, जिसमें भू-अर्जन तथा तत्संबंधी व्यव सम्मिलित है, के प्राक्कलन की जाँच एवं स्वीकृत करना ।

१३. परियोजना के कार्यकारी एवं शक्ति प्रत्यायोजन के लिये नियमावलियों को निर्धारित करना ।

१४. मुख्य अभिबन्ता के विहित प्रपञ्च में कार्य एवं व्यय दोनों से संबंधित मासिक प्रगति प्रतिवेदन प्राप्त करना, योजना के विभिन्न प्रकारों की प्रगति की समीक्षा करना एवं अक्षिप्त कार्यान्वयन हेतु उचित मार्ग दर्शन देना ।

१५. कोसी निबंधन परिषद के सदस्य, सचिव, सिंचाई आयुक्त का कार्यालय, पटना में होगा ।

१६. परिषद की बैठक सामान्यतः प्रत्येक दो माह पर एक बार होगी ।

आदेश :- यह आदेश दिया जाता है कि इस संकल्प को बिहार राज्य के एक विशेषज्ञ में सूचनार्थ प्रकाशित कराया जाय तथा उसकी एक प्रति सभी संबंधित कार्यालयों, पदाधिकारियों को सूचनार्थ एवं आवश्यक कार्रवाई हेतु भेजी जाये ।

२. यह भी आदेश दिया जाता है कि इस संकल्प की एक-एक प्रति महालेखाकार, बिहार, संचौ, सिंचाई मंत्रालय, भारत सरकार एवं परिषद अध्यक्ष तथा सभी सदस्यों के सूचनार्थ एवं आवश्यक कार्रवाई हेतु अग्रसारित किया जाय ।

बिहार राज्यपाल के आदेश से
ह०/- एन.के.पी.सिन्हा
सरकार के विशेष सचिव

वि जापन सं० ९सी-१२-१०३/८०-३८४५ पटना, दिनांक १९ अगस्त ८१

प्रतिलिपि महालेखाकार, बिहार, संचौ/सिंचाई मंत्रालय भारत सरकार, राज्य सरकार के सभी विभाग एवं विभागाध्यक्ष/सभी प्रमंडलीय आयुक्त/सभी जिला पदाधिकारी/अध्यक्षकोसी निबंधन परिषद/सभी सदस्य निबंधन परिषद/सभी मुख्य अभिबन्ता/सभी प्रशासन पदाधिकारी/वजेट पदाधिकारी/निर्वाहक सिंचाई विभाग/आयुक्त कोसी प्रमंडल सहरसा/आयुक्त, दरभंगा प्रमंडल दरभंगा/जिला पदाधिकारी सहरसा/दरभंगा/उपविभाग आयुक्त सहरसा/दरभंगा / अध्यक्ष कोसी प्राधिकारी विकास सहरसा को सूचनार्थ एवं आवश्यक कार्रवाई हेतु अग्रसारित ।

ह०/-एन.के.पी.सिन्हा
सरकार के विशेष सचिव

जापन संख्या ३८४५ पटना, दिनांक १९ अगस्त ८९

प्रतिलिपि अधीक्षण राज्यकीय मुद्रणालय गुलजाबाग, पटना को सूचनार्थ एवं राजपत्र के एक विशेषज्ञ में उक्त संकल्प को तुरंत प्रकाशित करने हेतु अग्रसारित ।

ह०/-एन.के.पी.सिन्हा
सरकार के विशेष सचिव

(TO BE PUBLISHED IN THE GAZETTE OF INDIA PART I SECTION I)

No.6/1/79-PP
Government of India
Ministry of Irrigation

.....

New Delhi, the 10th March, 1983.

RESOLUTION

Water which is vital for sustenance of life and economic development is becoming an increasingly scarce resource in the country. The planning and execution of water resources development have by and large been carried out by individual states so far. As the major rivers in our country are inter-State in nature, it has not been possible for individual States to prepare master plans in respect of these rivers. It has been felt that planning at national level for utilisation of water resources should be undertaken so that the greatest good is achieved and optimum benefits derived from the available water resources.

2. The necessity for an apex body to evolve national policies for development and use of water resources in conformity with the highest national interests has been emphasised in recent years by various authorities including the Irrigation Commission, National Commission on Agriculture and Rashtriya Barh Ayog. The National Development Council at its meeting held on 14th March, 1982 also discussed the matter and the Council observed that a climate should be created in which national water plans are prepared keeping in view the national perspective as well as State and regional needs. In that context, the Council welcomed the proposal of the Government of India for setting up of National Water Resources Council and River Basin Commission.

3. Accordingly, it has been decided by the Government of India, to set up a National Water Resources Council with the following composition:-

- 1) Prime Minister -
Chairman
- 2) Union Minister of
Irrigation - Vice Chairman
- 3) Union Minister of Finance -
Member
- 4) Union Minister of Agriculture -
Member
- 5) Union Minister of Planning -
Member
- 6) Union Minister of Energy -
Member

- 7) Union Minister of Shipping & Transport -
Member
- 8) Union Minister of Works & Housing -
Member
- 9) Union Minister of State (Independent charge)
of Ministry of Tourism & Civil Aviation -
Member
- 10) Union Minister of State for Science & Technology -
Member
- 11) Chief Minister, Andhra Pradesh -
Member
- 12) Chief Minister, Assam -
Member
- 13) Chief Minister, Bihar -
Member
- 14) Chief Minister, Gujarat -
Member
- 15) Chief Minister, Haryana -
Member
- 16) Chief Minister, Himachal Pradesh -
Member
- 17) Chief Minister, Karnataka -
Member
- 18) Chief Minister, Jammu & Kashmir -
Member
- 19) Chief Minister, Kerala,
Member
- 20) Chief Minister, Madhya Pradesh -
Member
- 21) Chief Minister, Maharashtra -
Member
- 22) Chief Minister, Manipur -
Member
- 23) Chief Minister, Meghalaya -
Member
- 24) Chief Minister, Nagaland -
Member

- 25) Chief Minister, Orissa -
Member
- 26) Chief Minister, Punjab -
Member
- 27) Chief Minister, Rajasthan -
Member
- 28) Chief Minister, Tamil Nadu -
Member
- 29) Chief Minister, Sikkim -
Member
- 30) Chief Minister, Tripura -
Member
- 31) Chief Minister, Uttar Pradesh -
Member
- 32) Chief Minister, West Bengal -
Member
- 33) Chief Commissioner, Andaman & Nicobar Islands -
Member
- 34) Chief Minister, Arunachal Pradesh -
Member
- 35) Chief Commissioner - Chandigarh -
Member
- 36) Administrator, Dadra & Nagar Haveli -
Member
- 37) Lieutenant Governor, Delhi -
Member
- 38) Chief Minister, Goa, Daman & Diu -
Member
- 39) Administrator, Lakshadweep -
Member
- 40) Chief Minister, Mizoram -
Member
- 41) Chief Minister, Pondicherry -
Member

4. The functions of the National Water Resources Council will be as follows :-

- a) To lay down the national water policy and to review it from time to time.
- b) To consider and review water development plans submitted to it (including alternative plans) by the National Water Development Agency, the River Basin Commissions, etc.
- c) To recommend acceptance of water plans with such modifications as may be considered appropriate and necessary.
- d) To direct carrying out such further studies as may be necessary for fuller consideration of the plans or components thereof.
- e) To advise on the modalities of resolving inter-state differences with regard to specific elements of water plans and such other issues that may arise during planning or implementation of the projects.
- f) To advise practices and procedures, administrative arrangements and regulations for the fair distribution and utilisation of water resources by different beneficiaries keeping in view optimum developments and the maximum benefits to the people.
- g) To make such other recommendations as would foster expeditious and environmentally sound and economical development of water resources in various regions.

5. The Council shall meet as often as may be necessary and in any case at least once in a year.

6. The Council shall frame its own rules of business and procedure.

7. The Ministry of Irrigation shall furnish such administrative or other assistance as may be required.

8. The National Water Resources Council stands constituted from the date of publication of this Resolution in the Gazette of India.

Sd/-
(M.G. Padhye)
Secretary to the Govt. of India.

ORDER

Ordered that this Resolution be communicated to all the State Governments and the Union Territories, the Private and Military Secretaries to the President, Prime Minister's office, the Comptroller & Auditor General of India, the Planning Commission and all Ministries/Departments of the Central Government for information.

Ordered also that this Resolution be published in the Gazette of India and the concerned State Governments be requested to publish it in the State Gazettes for general information.

Sd/-

(M.G. PADHYE)

Secretary to the Govt. of India.

CONSTITUTION OF NARMADA CONTROL AUTHORITY

MINISTRY OF IRRIGATION NOTIFICATION

New Delhi, the 10th September, 1980 (As amended upto Sept., 1987)

S.O.770(E) - Whereas the Central Government had constituted, by a notification of the Government of India in the Ministry of Irrigation and Power S.O.No. 4054, dated the 6th October, 1969, issued under Section 4 of the inter-state Water Disputes Act, 1956 (33 of 1956), the Narmada Water Dispute Tribunal to adjudicate upon the water dispute regarding the inter-State river, Narmada and the river valley thereof:

And whereas the said Tribunal investigated the matters referred to it and forwarded to the Central Government under sub-section (2) of section 5 of the said Act, a report setting out the facts as found by it and giving its decision on the matters referred to it;

And whereas upon consideration of the said decision the Central Government and the Governments of the States of Gujarat, Madhya Pradesh, Maharashtra and Rajasthan made references to the said Tribunal under Sub-Section (3) of section 5 of the said Act and the Tribunal, on such references, forwarded to the Central Government under that sub-section a further report;

And whereas the decision of the said Tribunal as modified by the explanation and guidance given in its further report was published in the Official Gazette by the Central Government as required by section 6 of the said Act, vide notification of the Government of India in the Ministry of Agriculture and Irrigation (Department of Irrigation) No.S.O.792(E) dated the 12th December, 1979, whereupon the decision became final and binding on the parties to the dispute;

And whereas the decision of the said Tribunal provides for the setting up of the machinery, namely, Narmada Control Authority and Review Committee for implementing its decisions and directions;

Now, therefore, in exercise of the powers conferred by section 6-A of the said Act, the Central Government hereby frames the scheme, inter-alia constituting the Narmada Control Authority (hereinafter referred as the Authority) and the Review Committee to give effect to the decision of the Narmada Water Disputes Tribunal, namely:-

1. (1) This Scheme may be called *The Narmada Water (Second Amendment) Scheme, 1987.
- (2) It shall come into force on the date of its publication in the Official Gazette*.

* - * Substituted vide Notifications No.S.O. 554(E), dated 3.6.1987 and S.O. 819 (E), dated 10.9. 1987.

1. Narmada Control Authority

2. Status and constitution of the Authority - (1) The Narmada Control Authority shall be a body corporate having perpetual succession* and a common seal and shall sue and be sued.

// (2) (a) The Authority shall consist of the following Members, namely:-

- | | | |
|---|-----|----------|
| i) Secretary to the Government of India, Ministry of Water Resources | ... | Chairman |
| ii) Secretary to the Government of India Ministry of Energy | ... | Member |
| iii) Secretary to the Government of India, Ministry of Environment and forests | ... | Member |
| iv) Secretary to the Government of India, Ministry of Welfare | ... | Member |
| v) Chief Secretary to the Government of Gujarat | ... | Member |
| vi) Chief Secretary to the Government of Madhya Pradesh | ... | Member |
| vii) Chief Secretary to the Government of Maharashtra | ... | Member |
| viii) Chief Secretary to the Government of Rajasthan | ... | Member |
| ix) Three persons not below the rank to of Chief Engineer, to be appointed by | ... | Member |
| xi) the Central Government as Independent Members, one of whom **shall be designated as the Executive Member of the Authority** | | |
| xii) Four persons of the rank of Engineer-in-charge to Chief, Chief Engineers or Additional | ... | Member |
| xv) Chief Engineer in-charge of the Irrigation Department or the Power Department or the State Electricity Board, one each to be appointed by the State Governments of Gujarat Madhya Pradesh, Maharashtra and Rajasthan. | | |

(b) The Executive Member will be in-charge of the administrative work of the Authority under the general supervision and control of the Chairman. The Central Government, or as the case may be, the State Government shall have the power to remove or suspend any of the Member appointed under clause (ix) to (xv), if in its opinion he is not suitable to continue as a Member.

* Corrected vide Corrigendum No.S.O. 872 (E) dated 28.10.1980

** - ** Amendment issued vide Notification No.S.O.819 (E) dt. 10.9.1987

// - // Substituted vide Notification No.S.O. 554(E), dt. 3.6.1987.

(c)*

** (d) The Secretaries to the Government of India and the Chief Secretaries to the Governments when unable to attend the meeting of the Authority may send their representatives not below the rank of Additional Secretary, or as the case may be the Additional Chief Secretary.**

(3) Each Independent Member shall be a full-time Member and be appointed for a term not exceeding five years. The Members appointed by the State Governments shall be part-time Members. The appointing authority for Independent Member or that for part-time Member, as the case may be shall determine the terms and conditions of appointment in each case.

(4) On any vacancy occurring in the offices of the three independent Members, the Central Government shall appoint a person to such vacant office, and on any vacancy occurring in the office of the four Members other than the independent Members, the State Government by whom the Member whose office falls vacant was appointed shall appoint a person to the vacant office:-

Provided that in case of illness or absence for any cause whatever of a Member, the Central Government or State Government by whom he was appointed, as the case may be, may appoint a person as an acting Member during such illness or absence and such acting Member shall, while so acting, have all the powers and perform all the duties and be entitled to the indemnities of the Member, in whose stead he so acts.//

(5) ***

3. Secretary of the Authority - The Authority shall employ a Secretary, who shall be an Engineer. He shall not be a Member of the Authority.

4. Quorum and voting - // // The quorum to constitute a meeting of the Authority (other than routine business) shall be ten Members. The quorum for transaction of routine business shall be five Members. Every question except a routine business, brought before any meeting of the Authority shall be decided by a majority of Members present and voting at the meeting before which the matter is brought. The Authority shall not prescribe as routine any business in which decisions are to be taken on any matter affecting the interests of more than one State. In the absence of the Chairman, the Member elected at the meeting shall preside over the meeting. In the case of equality of votes, the Chairman, or Member presiding over the meeting shall have a second or casting vote. Save as aforesaid the Members shall have equal powers. // //

* Sub-paragraph 2(c) inserted vide Notification No.S.O. 554(E), dated 3.6.1987 is omitted vide Notification No.S.O. 819(E), dated 10.9.1987.

_ Substituted vide Notification No.S.O. 554(E), dated 3.6.1987,
*** Sub-paragraph (5) inserted vide Notification No.S.O.554(E) dated 3.6.1987 is omitted vide Notification No.S.O.819(E), dated 10.9.1987.

// Words "Save and except... Authority" omitted vide Notification No.S.O.819(E), dated 10.9.1987

//--// Substituted vide Notification No.S.O.819(E), dt.10.9.1987

5. Disposal of Business by the Authority - (1) Subject to the provisions of Sub-paragraph (2), the Authority may dispose of any matter before it either by circulation or by holding a meeting. However, it will be open to any Member of the Authority to require that a matter shall not be disposed of by circulation but at a meeting.

(2) On the following matters, the Authority shall record its decision by a Resolution at a meeting in which the Chairman and all the Members from the party States are present:

- i) Framing of Rules of Business;
- ii) Delegation of functions to a Member or Secretary or any official of the Authority;
- iii) Categorising any part of the business of the Authority as of a formal or routine nature;
- iv) Any other matter which any of the four party States require that it shall be decided at a meeting where all the members from the party States are present;

Provided that, if any particular item cannot be disposed of at two successive meetings owing to the absence of one or more Members from the party States, it shall be disposed of as provided in *paragraph (4).

(3) Subject to the foregoing provisions, the Authority shall frame its own rules for the conduct of its business.

(4) The Authority shall cause proper minutes or records of all its proceedings to be kept as a permanent record.

** (5) Where the Secretary to the Government of India, Ministry of Environment and Forests, is of the opinion that any decision of the Authority is inconsistent with the needs of environmental protection, the matter shall be reserved for the decision of the Review Committee**.

6. Indemnity of Members - No Member, officer or employee of the Authority shall be liable for loss, injury or damages resulting from (a) action taken by such Member, officer or employee in good faith and without malice under the apparent authority of the orders, even though such action is later determined to be unauthorised, or (b) the negligent or wrongful act of omission of any other person, employed by the Authority and serving under such Member, officer employee unless such Member, officer or employee failed to exercise due care in the appointment of such other person or the supervision of his work.

7. Officers and servants of the Authority:- The Authority may from time to time appoint or employ such and so many officers and employees as it thinks fit and remove or dismiss them under the rules and regulations applicable to the appointment, removal and dismissal of the Central Government Officers and employees. All such officers and employees shall be subject to the sole control of the Authority.

* Corrected vide Corrigendum No.S.O. 45(E), dated 20.1.1981.

-- Inserted vide Notification No.S.O.554(E), dated 3.6.1987.

The Authority may with the previous approval of the Central Government, make regulations to regulate conditions of service of all such officers and employees in respect of residential accommodation//, house rent allowance, travelling allowance, daily allowance, conveyance allowance and medical reimbursement. The scales of pay and other service conditions shall be as applicable to Central Government employees.

Persons employed in the services of the four States may be appointed or employed by the Authority in such proportions as the Authority may deem fit. The Authority shall arrange with the State Governments to spare the services of the persons employed in State Governments for whole-time employment with the Authority or for the performance of any work or services for the Authority. The Authority may also make direct recruitment of any personnel or obtain the same from the Centre or other source as considered appropriate.

8. Administrative and Field Organisation costs:- (1) All expenses of the Authority (including the salary and expenses of the independent Members) shall be borne by the State Governments of Madhya Pradesh, Gujarat, Maharashtra and Rajasthan in equal shares. The expenses pertaining to a Member representing a State shall be borne by the State concerned. The cost of maintaining, operating and controlling the gauging and other hydrological stations in each State and the telecommunication system for communicating the data shall be borne by the States concerned.

(2) The costs of construction of the storages, power installations, diversion works, headworks and canal networks shall be borne wholly by the State Government in whose territory the work is located except for works whose cost has been ordered by the Tribunal to be shared between two or more party States. Where the capital cost is thus shared, the operation and maintenance cost shall also be shared in the same proportion.

9. Powers, functions and duties of the Authority:- (1) ** The role of the Authority will mainly comprise overall coordination and direction of the implementation of all the projects including the engineering works, the environmental protection measures and the rehabilitation programme and to ensure the faithful compliance of the terms and conditions stipulated by the Central Government at the time of clearance of the aforesaid projects.**

(2) The Authority shall be charged with the power and shall be under a duty to do any or all things necessary, sufficient and expedient for the implementation of the Order of the Tribunal with respect to:-

- i) the storage, apportionment, regulation and control of the Narmada waters;
- ii) sharing of power benefits from Sardar Sarovar Project;
- iii) regulated releases by Madhya Pradesh;

- Inserted vide Notification No.S.O. 856 (E), dated 22.11.1982.

**-* Substituted vide Notification No.S.O.554(E), dated 3.6.1987.

// Corrected vide Corrigendum No.56(E), dated 22.1.1983.

- iv) acquisition by the concerned State for Sardar Sarovar project of lands and properties likely to be submerged under Sardar Sarovar;
- v) compensation and rehabilitation and settlement of oustees; and
- vi) sharing of costs

* (2) (A) The Authority may constitute one or more sub-committees and assign to them such of its functions and delegate such of its powers as it thinks fit.*

(3) In particular and without prejudice to the generality of the foregoing functions, the Authority shall perform inter-alia, the following functions:-

i) Madhya Pradesh or Gujarat as the case may be, shall submit to the Authority the Sardar Sarovar Project Report, the Narmadasagar Project Report, the Omkareshwar Project Report and the Maheshwar Project Report. The Authority shall point out to the States concerned, the Central Water Commission, the Central Electricity Authority and Planning Commission any features of these projects which may conflict with the implementation of the Orders of the Tribunal. Any subsequent changes in the salient features or substantial increase in cost in respect of dams, power houses and canal head-works shall be reported to the Authority for taking appropriate action in the matter.

ii) The Authority shall decide the phasing and shall coordinate construction programmes of the Narmadasagar Project and Sardar Sarovar Unit-II - Canals with a view to obtaining expeditiously optimum benefits during and after the completion of the construction of the projects having due regard to the availability of funds.

iii) The Authority shall obtain from the concerned States periodical progress reports both as to works and expenditure, and shall on receipt of such reports review the progress of construction of different units of the projects and wherever // necessary advise // // the State concerned on the steps to be taken to expedite the work, except in respect of Unit-I Dam and Appurtenant Works and Unit-III - Power Complex of Sardar Sarovar Project. The States shall submit completion reports to the Authority in respect of projects referred to in sub-paragraph (3) (i).

iv) The Authority shall issue appropriate directions whenever necessary for timely and full compliance by the concerned States within the Orders of the Tribunal in the matter of acquisition for and making available to Gujarat lands and properties likely to be submerged under the Sardar Sarovar Project and in the matter of compensation and rehabilitation of oustees thereunder.

- Inserted vide Notification No.554 (E), dated 3.6.1987.
 // Corrected vide Corrigendum No.872(E), dated 28.10.1980.
 // // Corrected vide Corrigendum No.872(E), dated 28.10.1980.

v) The Authority shall cause to be established, maintained and operated by the State Governments concerned or any one or more of them such stream and other gauging stations, equipped with automatic recorders where necessary, discharge, silt and evaporation observation stations and measuring devices* as may be necessary from time to time for securing the records required for carrying out the provisions of the Orders of the Tribunal. If deemed necessary, the Authority may require the installation, maintenance and operation by the States concerned of measuring devices of approved type at the head of main Canals as also at the offtake of the canal for Rajasthan for measuring amount of water diverted from Narmada river system.

vi) Concurrent records shall be kept of the flow of the Narmada at all Stations considered necessary by the Authority and the records correlated.

vii) The Authority shall frame rules of regulation and water accounting as per guidelines given in Clause IX of the order of the Tribunal. It shall determine the share of water of each State for every ten-day period for purposes of regulation and water accounting.

viii) The Authority shall ensure implementation of the orders of the Tribunal in respect of (a) quantum and pattern of regulated releases by Madhya Pradesh; (b) Payment for such regulated releases and sharing of costs.

ix) The Authority shall collect from the State concerned data of the areas irrigated by Narmada waters in each season, of power generated at each hydro-electric power station at and downstream of Narmadasagar, of withdrawals, for domestic, municipal and industrial or any other purposes and of waters going down the river from Sardar Sarovar Project.

x) The Authority shall determine the volume of water flowing in the river Narmada and its tributaries in a water year (1st July of a year to the 30th June of the next year).

xi) The Authority shall determine from time to time the volume of water stored by each State in reservoirs and other storages and may for that purpose adopt any device or method.

xii) The Authority shall determine at appropriate periodic intervals the use of Narmada waters made by the States, or such of them as necessary at any place or in any areas at any time and for that purpose it may take note of all diversions or obstructions, whether natural or artificial or partly natural and partly artificial from the river Narmada and its Tributaries and measure such use by any method as it deems fit.

xiii) The Authority or any of its duly authorised representative shall have power to enter upon any land and property upon which any project or development of any project, or any work of gauging, evaporation or other hydrological station or measuring device has been on is being constructed, operated or maintained by any State or the use of Narmada water. Each State through its appropriate departments shall render all cooperation and assistance to the Authority and its authorised representatives in this behalf.

*Corrected vide Corrigendum No.S.O. 45(E), dated 20.1.1981.

xiv) The Authority shall meet as often as necessary and decide on a proper management of waters including in particular the manner and details of withdrawals of waters from the storages on the Narmada river system in accordance with the Orders of the Tribunal. In particular, the Authority shall meet at the end of filling season, and review the availability of waters in the storages on the Narmada river system and decide upon the pattern of their regulation for the next irrigation season, taking into account the carry over storages.

xv) The Authority shall give directions for a phased programme of construction for generation and transmission of power in fulfilment of the shares of power allocated to the three States of Madhya Pradesh, Maharashtra and Gujarat from Sardar Sarovar and for payments therefor in accordance with the orders of the Tribunal. The Authority shall also ensure that generation and transmission of power from Sardar Sarovar complex are in accordance with the Orders.

xvi) The Authority shall issue appropriate directions for establishment, maintenance and operation of an effective system of flood forecasting and flood control including reporting of heavy precipitation and telecommunication systems. The safety of a structure shall primarily be the responsibility of the Chief Engineer incharge of the structure and no decision or order shall be binding on him if in his opinion the safety of the structure will be endangered thereby. The Authority shall publish annually and make available to party States the data regarding operation of reservoirs during floods.

(4) In the light of its experience, the Authority may modify 'or add to the functions enumerated in Sub-paragraph (3) (i) to sub-paragraph 3(xvi) by a resolution.

(5) All the concerned States shall submit to the Authority all the relevant information called for by the Authority in connection with the Narmada Valley Development expeditiously.

10. Annual Report of the Authority - The Authority shall prepare and transmit as early as possible and in any case before the end of the current Water Year (1st July of the year to the 30th June of the next year) an Annual Report covering the activities of the Authority for preceding year and to make available to the Central Government and to Government of each of the party States on its request any information within its possession any time and always provide access to its records to the Central Government and to the Government of each of the Party States and their representatives. The Central Government shall cause the Annual Report to be laid before each House of the Parliament.

11. Records of the Authority and their location - The Authority shall keep a record of all meetings and proceedings, maintain regular accounts, and have a suitable of ice where documents, records, accounts and gauging data shall be kept open for inspection by the Central Government and Government of each of the Party States or their representatives at such times and under such regulations as the Authority may determine.

The location of the Central, Regional and sub-regional offices of the Narmada Control Authority shall be determined by the Authority. The headquarters of the Authority shall be at New Delhi till such time as it decides on its permanent location.

12. Contracts and Agreements - The Authority shall enter into such contracts and agreements as may be necessary and essential for the full and proper performance of the functions and duties conferred or imposed on it.

13. Financial Provisions - (1) All the Capital and revenue expenditure required to be incurred by the Authority shall be borne by the State Governments of Madhya Pradesh, Gujarat, Maharashtra and Rajasthan equally. The Governments of the said States shall provide the necessary funds to the Authority to meet all capital and revenue expenditure required to be incurred by the Authority for the discharge of its functions. For this a fund to be called, The Narmada Control Authority Fund shall be constituted to which the sums paid by the States and other sums received by the Authority shall be credited.

(2) On the constitution of the Authority, the Governments of the States of Madhya Pradesh, Gujarat, Maharashtra and Rajasthan shall contribute each a sum of Rs.5,00,000 (Rupees five lakhs) to the fund of the Authority in the first instance.

(3) The Authority shall in the month of September of each year prepare detailed estimate of the amounts* of money required during the twelve months from the first day of April of the ensuing year, showing the manner in which it is proposed to expend such money. The Authority shall on or before the fifteenth of October forward copy of such detailed estimate to the concerned Chief Secretaries ** of the four States and indicate the amount required to be contributed by each State for the ensuing financial year. Each of the State Governments shall pay to the Authority its contribution as indicated by the Authority on or before the 30th day of April of the ensuing year.

(4) The Authority shall maintain detailed and accurate accounts of all receipts and disbursements and shall after the close of each financial year., prepare an annual Statement of Accounts and sent copies thereof to the Accountants General as well as the concerned Chief Secretaries** of the four States. The form of the Annual Statements of Accounts shall be such as may be prescribed by rules framed by the Authority. The accounts maintained by the Authority shall be open for inspection at all reasonable times by the Central Government and the Governments of the Party States through their duly authorised representative or representatives.

(5) Disbursement shall be made from the fund of the Authority only in such manner as may be prescribed by the Authority. The Authority may incur such expenditure as it may think fit to meet any emergency in the discharge of its functions.

* Corrected vide Corrigendum No. S.O.45(E), dated 20.1.1981

**6 xix Amendment vide Notification No.S.O.554(E), dated 3.6.1987.

(6) The accounts maintained by the Authority shall be audited by the Comptroller and Auditor General of India or his nominee who shall certify subject to such observations as he may wish to make on the annual accounts of the Authority. The Authority shall forward to the Accountants General and the concerned Chief Secretaries* of the four States copies of the Report of the Comptroller and Auditor General of India and shall include the same in its Annual Report.

14. Decisions of the Authority:- The decision of the Authority on all matters covered // under paragraph 9 shall be final and binding on all the party States.

15. Construction of outside jurisdiction of the Authority:- Save and except to the extent otherwise prescribed in the Order of the Tribunal, the Planning and Construction of the projects will be carried out by each State Government through its own agencies.

II. Review Committee

16. (1) There shall be a Review Committee which may suo moto or on the application of any party State review any decision of the Authority. In urgent cases the Chairman of the Review Committee may on the application of the Government of any party State,** or Secretary to the Government of India, Ministry of Environment and Forests ** grant stay of any order of the Authority pending final decision on review.

(2) The Review Committee shall consist of six // // Members including a Chairman as under:-

i)	Union Minister in charge of Water Resources	....	Chairman
i-a)*	Union Minister of Environment and Forests	....	Member
ii)	Chief Minister of Madhya Pradesh	....	Member
iii)	Chief Minister of Gujarat	....	Member
iv)	Chief Minister of Maharashtra	....	Member
v)	Chief Minister of Rajasthan	....	Member

The Secretary to the Govt. of India, Ministry of Water Resources shall be the Convenor of the Review Committee but shall not have any voting right. In case there is a President's Rule in any of the four party States, the Governor of the State or his authorised representative will act as Member of the Review Committee.

(3) The Chief Ministers' of the party States may nominate their respective Ministers in charge of Irrigation either generally or specially as the Alternate Member with full powers of voting, taking decisions etc.

(4) The Review Committee may review the decision of the Authority at a meeting at which the Chairman and all the Members of the Review Committee are present. The decisions of the Review Committee will be by consensus. In cases where no consensus is possible, the decision shall be by majority of votes of Members including the Chairman.

* Amendment vide Notification No.S.O.554(E), dated 3.6.1987.
 // Corrected vide Corrigendum No.S.O.872(E), dated 28.10.1980.
 // // Substituted vide Notification No.S.O.554(E), dated 3.6.1987.
 *** Inserted vide Notification No.S.O.554(E), dated 3.6.1987.

(5) Advance notice of the proposed meeting of the Review Committee, its agenda and agenda notes will be forwarded by the Convenor to the Governments of the party States.

(6) The decision of the Review Committee shall be recorded in writing and shall be final and binding on all the States.

17.** The Authority may with the previous approval of the Central Government, make regulations for giving effect to the purpose of the scheme.**

- Inserted vide Notification No.S.O.554(E), dated 3.6.1987.
// Substituted vide Notification No.S.O.554(E), dated 3.6.1987
- Substituted vide Notification No.S.O.856(E), dated 22.11.1982.

GOVERNMENT OF INDIA
MINISTRY OF WATER RESOURCES
8TH FLOOR, BLOCK.NO.11
CGO COMPLEX, LODHI ROAD
NEW DELHI

Dated, the 26th Feb 1990.

RESOLUTION

No.19/4/81-IT. In partial modification of this Ministry's resolution No. D.W.III-26(4)/58 dated the 19th December, 1958 as amended vide Resolution No.22/7/66-D.W.I dated the 10th December, 1968, Resolution No.21/9/71 -DW (N) dated the 12th January 1972 Resolution No.21/9/71-DW(N) dated the 30th April, 1973. Resolution No.21/9/71-DW(N) dated the 2nd January, 1974 and Resolution No.21/9/71-DW (N)/IT-Vol.II dated 19th January, 1978 and Corrigendum No.21/9/71-DW (N)/IT dated 27th March- 1978, Resolution No.19/4/81-I.T. dated the 17th June, 1987 and Resolution No.18/4/81-I.T. dated 12th Sept., 1989, it has been decided to reconstitute the 'Rajasthan Canal Board' since renamed as 'Indira Gandhi Nahar Board' vide Resolution No.19/4/81-I.T. dated the 7th January, 1985 which will henceforth consist of :

INDIRA GANDHI NAHAR BOARD :

1. Chairman, Indira Gandhi Nahar Board.
2. Financial Adviser, Union Ministry of Water Resources (or an officer deputed by him to attend any particular meeting).
3. Joint Secretary, Department of Agriculture, Union Ministry of Agriculture and Cooperation (or an officer deputed by him to attend any particular meeting).
4. Commissioner (Indus), Union Ministry of Water Resources, (or an officer deputed by him to attend any particular meeting).
5. Chief Engineer (Monitoring-N), Central Water Commission (or an officer deputed by him to attend any particular meeting).
6. Chief Engineer, C.A.D. Union Ministry of Water Resources (or an Officer deputed by him attend any particular meeting).
7. Secretary to the Government of Rajasthan, Finance Department (or an officer deputed by him to attend any particular meeting).
8. Secretary to the Government of Rajasthan, CAD, Department for an officer deputed by him to attend any particular meeting).
9. Secretary to the Government of Rajasthan, Public Health Engineering Department (or an officer deputed by him to attend any particular meeting).
10. Area Development Commissioner, Indira Gandhi Nahar Project.
11. Chief Engineer Indira Gandhi Nahar Project.)

12. Chief Engineer, Command Area Development, Indira Gandhi Nahar Project.
13. Chief Engineer (II)/Additional Chief Engineer, Indira Gandhi Nahar Project.
14. Colonisation Commissioner, Govt. of Rajasthan.

O R D E R

ORDERED that this Resolution be communicated for information to the State Government concerned and the Ministries of Finance, Home Agriculture and Planning Commission.

ORDERED also that the Resolution be published in the Gazette of India and that the State Government concerned be requested to publish it in the State Gazette for general information.

(A. SEKHAR)

DY SECRETARY TO THE GOVERNMENT OF INDIA

No.17/1/90-PP
Government of India
Ministry of Water Resources

New Delhi, the 6th April, 1990.

ORDER

Subject:-Setting up of a Standing Committee on Inter-State issues in Water Resources

The National Water Resources Council with Prime Minister as its Chairman and concerned Union Ministers and the Chief Ministers of the State Governments and Administrators of Union Territories as Members was constituted in March, 1983, as an apex body to evolve National Policy for the development and use of water resources in conformity with national interests. One of the functions of the Council is to advise on the modality of resolving Inter-State differences with regard to specific elements of water plans and such other issues that may arise during planning or implementation of the projects. The Council is also to advise on practices and procedures, administrative arrangements and regulation for the fair distribution and utilisation of water resources by different beneficiaries, keeping in view the optimum developments and maximum benefits to the people.

2. To enable the Council to perform its functions expeditiously and efficiently, a Standing Committee of Inter-State Issues in water resources with Members drawn from the Council to meet as often as required is considered necessary. After a preliminary analysis of the matter, such cases referred to the Ministry of Water Resources, will be referred to the Standing Committee for further consideration and advice.

3. It has, therefore, been decided to set up a Standing Committee on inter-State issues in Water Resources with the following composition:-

- | | | |
|----|---|------------------|
| 1. | Union Minister of Water Resources | Chairman |
| 2. | Union Minister of Agriculture . | Member |
| 3. | Union Minister of Energy | Member |
| 4. | Union Minister of Urban Development | Member |
| 5. | Minister of State for Environment & Forests | Member |
| 6. | Minister of State for Science & Technology | Member |
| 7. | Secretary, Ministry of Water Resources | Member-Secretary |

The Chief Ministers of the concerned States will be special invitees for the meetings of the Committee.

The Standing Committee shall consider the issues referred by the States to the Union Ministry of Water Resources and recommend the measures to be taken to resolve the issues. The advice of the Standing Committee shall be of a recommendatory nature and will be without prejudice to the provisions of inter-state Water Disputes Act, 1956 as amended from time to time.

The Committee will meet as often as necessary, but atleast once in six months. The recommendations of the Standing Committee shall be placed before the next meeting of the National Water Resources Council for information.

Sd/-

(VIJAY KUMAR)

Under Secretary to the Govt. of India

RESOLUTION

No.10(66)/74-IT.- WHEREAS the states of Uttar Pradesh, Haryana, Rajasthan, Himachal Pradesh and National Capital Territory of Delhi having their geographical areas in the Yamuna basin upto Okhla have signed a Memorandum of Understanding on 12th May, 1994 regarding allocation of surface flow of Yamuna upto Okhla (copy enclosed as Annexure-I) wherein clause 7 (iii) provides that the allocation of available flows amongst the beneficiary States will be regulated by the Upper Yamuna River Board within the overall framework of the agreement.

2. AND WHEREAS the States have agreed on the establishment of Upper Yamuna River Board by the Central Government for the co-ordinated management of river Yamuna upto and including Okhla.

3. AND WHEREAS the States have agreed for the construction of the Renuka dam, Kishau dam, Lakhwar Vyasi Project, Hathnikund Barrage and Parallel Water Carrier System for Delhi, and have identified Chatra, Chami Naingaon, Arangpur and Dhouj/Kot Storage Projects for construction.

4. AND WHEREAS the States of Uttar Pradesh, Haryana, Himachal Pradesh and NCT of Delhi have agreed that the States shall have exclusive right to the non-consumptive use of Yamuna water within their respective territories.

5. AND WHEREAS the States have agreed that a minimum flow in proportion of completion of upstream storages going upto 10 cumec shall be maintained downstream of Tajewala/Hathnikund and downstream of Okhla Headworks throughout the year from ecological considerations as upstream storages are built up progressively in a phased manner.

6. NOW, THEREFORE, having recognised the need for coordinated development and management of Yamuna river upto Okhla and with a view to achieve optimal utilisation of the waters of river Yamuna, for maintaining the ecology of the river and for regulation and supply of water to the Basin States, an Upper Yamuna River Board with headquarters at Delhi is hereby constituted for the purpose on the following lines:-

- (i) The Board shall perform its functions and exercise powers as conferred upon it in the Yamuna Valley upto Okhla Barrage or in such areas as the Central Government in consultation with the State Governments, may by Notification in the Official Gazette specify from time to time. The Central Government shall endeavour to secure agreement amongst the State Governments for this purpose.
- (ii) The Constitution of the Board and its functions will be as given in the Annexure-II.

7. There shall be a Review Committee to be known as the Upper Yamuna Review Committee comprising the Chief Ministers (Governor in case of President's Rule) of the States of Himachal Pradesh, Haryana, Rajasthan, Uttar Pradesh and the National Capital Territory of Delhi under the Chairmanship of the Union Minister/Minister of State for Water Resources which shall supervise the working of the Upper Yamuna River Board and to ensure implementation of MOU dated 12.5.94 regarding allocation of surface flow of Yamuna and issue directions as may be necessary for the proper development and management of the upper reaches of the Yamuna River Basin upto Okhla. Disagreement, if any, on the decisions of the Board may be referred to the Review Committee by a member of the Review Committee. The Committee shall meet at least once every year and shall consider the Annual Report presented by the Upper Yamuna River Board for further directions as may be necessary. The Upper Yamuna Review Committee shall frame its own rules and procedures. Chairman of the Upper Yamuna River Board shall be the Secretary of the Upper Yamuna Review Committee.

ORDER

ORDERED that this Resolution alongwith its Annexures be communicated to the State Governments of Uttar Pradesh, Haryana, Rajasthan, Himachal Pradesh and National Capital Territory of Delhi, the Private and Military Secretaries to the President, Prime Minister's Secretariat, the Comptroller and Auditor General of India, the Planning Commission and all Ministries/Departments of Central Government for information.

ORDERED also that the Resolution alongwith its Annexures be published in the Gazette of India and that the State Governments be requested to publish it in the State Gazettes for general information.

M.S.REDDY
Secretary

MEMORANDUM OF UNDERSTANDING BETWEEN UTTAR PRADESH, HARYANA, RAJASTHAN,
HIMACHAL PRADESH AND NATIONAL CAPITAL TERRITORY OF DELHI REGARDING
ALLOCATION OF SURFACE FLOW OF YAMUNA

1. WHEREAS the 75% dependable national 'virgin flow in the Yamuna river upto Okhla has been assessed as 11.70 Billion Cubic Metres (BCM) and the mean year availability has been assessed as 13.00 BCM.
2. AND WHEREAS the water was being utilised by the Basin States ex-Tajewala and ex-Okhla for meeting the irrigation and drinking water needs without any specific allocation.
3. AND WHEREAS a demand has been made by some Basin States on this account and the need for a specified allocation of the utilisable water resources of river Yamuna has been felt for a long time.
4. AND WHEREAS to maximise the utilisation of the surface flow of river Yamuna a number of storage projects have been identified.
5. AND WHEREAS the States have agreed that a minimum flow in proportion of completion of upstream storages going upto 10 cumec shall be maintained downstream of Tajewala and downstream of Okhla Headworks throughout the year from ecological considerations, as upstream storages are built up progressively in a phased manner.
6. AND WHEREAS it has been assessed that a quantum of 0.68 BCM may not be utilisable due to flood spills.
7. NOW THEREFORE, considering their irrigation and consumptive drinking water requirements, the Basin States agree on the following allocation of the utilisable water resources of river Yamuna assessed on mean year availability:

1. Haryana	5.730 BCM
2. Uttar Pradesh	4.032 BCM
3. Rajasthan	1.119 BCM
4. Himachal Pradesh	0.378 BCM
5. Delhi	0.724 BCM

subject to the following:

- (i) Pending construction of the storages in the upper reaches of the river, there shall be an interim seasonal allocation of the annual utilisable flow of river Yamuna as follows:

States	Seasonal Allocation of Yamuna Waters (BCM)			
	July-Oct.	Nov-Feb.	March-June	Annual
Haryana	4.107	0.686	0.937	5.730
Uttar Pradesh	3.216	0.343	0.473	4.032
Rajasthan	0.963	0.070	0.086	1.119
Himachal Pradesh	0.190	0.108	0.080	0.378
Delhi	0.580	0.068	0.076	0.724
Total	9.056	1.275	1.652	11.983

Provided that the interim seasonal allocations will be distributed on ten daily basis.

Provided further that the said interim seasonal allocations shall get progressively modified, as storages are constructed, to the final annual allocations as indicated in para 7 above.

- (ii) Separate agreement will be executed in respect of each identified storage within the frame work of overall allocation made under this agreement.
- (iii) The allocation of available flows amongst the beneficiary States will be regulated by the Upper Yamuna River Board within the overall framework of this agreement.

Provided that in a year when the availability is more than the assessed quantity, the surplus availability will be distributed amongst the States in proportion to their allocations.

Provided also that in a year when the availability is less than the assessed quantity, first the drinking water allocation of Delhi will be met and the balance will be distributed amongst Haryana, Uttar Pradesh, Rajasthan and Himachal Pradesh in proportion to their allocations.

8. This agreement may be reviewed after the year 2025, if any of the Basin States so demand.

9. We place on record and gratefully acknowledge the assistance and advice given by the Union Minister of Water Resources in arriving at this expeditious and amicable settlement.

New Delhi, the 12th May, 1994.

Sd/-
(MULAYAM SINGH YADAV)
CHIEF MINISTER
Uttar Pradesh

Sd/- -
(BHAJAN LAL).
CHIEF MINISTER
Haryana

Sd/-
(BHAIRON SINGH SHEKHAWAT)
CHIEF MINISTER
Rajasthan

Sd/-
(VIRBHADRA SINGH)
CHIEF MINISTER
Himachal Pradesh

Sd/-
(MADAN LAL KHURANA)
CHIEF MINISTER
Delhi

In the presence of:-

Sd/-
(VIDYACHARAN SHUKLA)
Minister (Water Resources)

CONSTITUTION AND FUNCTIONS OF UPPER YAMUNA RIVER BOARD

1. CONSTITUTION

The Board shall consist of Member, Central Water Commission as part time Chairman and one nominee each from the States of Uttar Pradesh, Haryana, Rajasthan, Himachal Pradesh and National Capital Territory of Delhi not below the rank of Chief Engineer, and a Chief Engineer of Central Electricity Authority and representatives of Central Ground Water Board and Central Pollution Control Board as part time members.

The Board shall have a full time Member-Secretary. He shall be appointed by the Central Government for a period of three years at a time and he shall not belong to any of the basin States.

2. FUNCTIONS

The functions of the Upper Yamuna River Board shall include:-

- (a) Regulation and supply of water from all storages and barrages upto and including Okhla Barrage, having regard to the agreements entered into or the arrangements made between the Governments of Basin States in pursuance of MOU dated 12.5.94 but keeping in view the peaking requirements of the existing and run-of-the river hydro power stations. The operation and maintenance of the control structures shall remain with the respective States as per agreements in respect of each structure. Should, at any time, there be a dispute regarding regulation of flows at any of the structures, the Board shall take over the operation and control of that structure till the dispute is resolved; provided such take over shall take place with the approval of the Review Committee; provided further that if the Review Committee could not meet within 15 days, Chairman Review Committee shall take a decision in this regard.
- (b) Maintenance of a minimum flow, in proportion of completion of upstream storages, going upto 10 cumec downstream of Tajewala/Hathnikund and downstream of Okhla Headworks throughout the year from ecological considerations as upstream storages are built up progressively in a phased manner..

- (c) Monitoring return flows from the waters withdrawn by Delhi from Yamuna after allowing for the consumptive use for the municipal and drinking water purposes as agreed to and after providing treatment to ensure the proper quality of the effluent as per standards of Central Pollution Control Board. For this purpose, the Board shall chalk out a plan in consultation with the concerned basin States detailing the location from where the raw water will be drawn and the quantum thereof and the points on which water drawn in excess shall be returned to the system after proper treatment.
- (d) Monitoring return flows from the water withdrawn from Yamuna by the States of Uttar Pradesh and Haryana for the purpose of silt exclusion.
- (e) Monitoring flows from tail race of Khara hydel station into river Yamuna upstream of Hathnikund; provided that the design of Hathnikund Barrage should ensure optimum operation of Khara tail race channel and provision should also be made for stage II W.J.C. hydro electric project.
- (f) Framing of rules and regulations for water accounting and determination of the shares of water for each State for every 10 day period for purpose of regulation.
- (g) Keeping of concurrent records of the flow of the Yamuna at all stations considered necessary by the Board, consideration/ completion of the records and determination of the volume of water flowing in river Yamuna in a water year.
- (h) Keeping concurrent records of data of withdrawals for irrigation, domestic, municipal and industrial or any other purpose and of water going down the river below Okhla.
- (i) Ensuring delivery of supplies to all the concerned States in accordance with their entitlements by taking all necessary measures, inter-alia, by giving directions as regards installation of self recording gauges, taking observations without hindrance, preparing rating curves etc. The selection of the control points at which the Board requires appropriate measures to be taken as mentioned above shall include, but not be limited to all points at which Yamuna discharges are being shared by more than one State and all regulation points on the concerned rivers and canals for determining the sharable supplies. The decision of the Board shall be final and binding so far as the selection of the control points are concerned. All the concerned States shall cooperate fully and shall carry out promptly the day to day directions of the Board in regard to regulation and control of supplies, operation of gates and any other matters in their territory, for ensuring delivery of supplies as determined by the Board in accordance with their entitlements.

- (j) Coordination of activities relating to and giving of appropriate directions so as to ensure as best as possible, the following:
 - (1) Construction of different works keeping in view funds availability and the desirability of obtaining quick results;
 - (2) Integrated operation of schemes for various uses like water supply, irrigation, industries, hydro-electric power, flood control etc., including withdrawals during construction of various works consistent with the provisions in the agreements between the Basin States.
 - (3) Monitoring, conservation and upgrading the quality of the surface and ground waters; and
 - (4) Smooth implementation of Inter-State projects.
 - (k) Overseeing plans for catchment area treatment, watershed management, rehabilitation of affected population and conservation of the environment of Inter-State Projects and projects submerging areas in other States.
 - (l) Monitoring and reviewing the progress of all projects upto and including Okhla Barrage and advising on the phasing of projects on the basis of the work plans submitted by the Basin States.
 - (m) Monitoring of in consultation with the Central Ground Water Board, exploitation of ground water in the Upper Yamuna Catchment and formulation of such regulations as would prevent over-exploitation of the ground water detrimental to the surface flow especially for ensuring minimum flow in the river system.
 - (n) Submission of Annual Report of its work done during each year to the Central Government as also to the Basin States.
 - (o) Such other function as the Central Government, may after consultation with the Government of the States of Haryana, Uttar Pradesh, Rajasthan, Himachal Pradesh and National Capital Territory of Delhi, may entrust to it.
3. The Board may, from time to time, appoint one or more advisory committee or committees for the purpose of enabling it to carry out its functions under this Resolution.

4. The Board shall meet as often as necessary but at least once in every 3 months, and decide on a proper management of water including the manner and details of withdrawals from the storages and the river system.
5. The Chairman or any of the duly authorised representatives of the Board shall have power to enter upon any land property upon which any project or development of any project or any work of gauging or any other hydrological station or measuring device has been or is being constructed, maintained or operated by any State for the use of Yamuna waters. Each State through its appropriate Departments shall render all cooperation and assistance to the Board and its authorised representative, in this regard.
6. The Board shall have powers to employ such staff as it may consider necessary for the efficient discharge of its functions. For this purpose, the Board shall make efforts to obtain staff from all member States and Centre on deputation.
7. The expenditure on Upper Yamuna River Board shall be shared equally by the basin States.
8. The Board may, with the previous approval of the Central Government, make rules and regulations to provide for:
 - (a) Regulating the time and place of meeting of the Board and the procedure to be followed for transactions of business at such meetings.
 - (b) Delegation of powers and duties of the Chairman or any official of the Board.
 - (c) The appointment and the regulation of the conditions of service of the officers and other staff of the Board.
 - (d) Any other matter for which regulations are considered necessary by the Board.