

***BETWA RIVER BOARD
JHANSI***

**ACT
RULES
&
REGULATIONS**

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THE BETWA RIVER BOARD ACT, 1976

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

As amended by Notification dt 26-12-1977 (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.

Short title and
commencement

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,

Declaration as to
expediency of
control by the Union.

3. In this Act, unless the context otherwise requires

Definitions.

- (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 includes the Chair
- (e) "prescribed" means prescribed by rules made by the Central Govt. 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

Establishment and
incorporation of the
Betwa River 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 movable and immovable, and to contract and shall. by 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 entitled to vote.

5. (1) The Central Government may, by notification in the Official Gazette, Executive Committee 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

Vacancies, etc. not to invalidate proceedings of the Board or the Executive Committee.

- (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; Chief Engineer and Financial Adviser.

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.

Other Officers and employees of the Board. 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.

Advisory Committees. 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

Functions 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, 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 :

Conditions subject to which the Board may exercise its functions.

(ii) 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.

(iii) 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.

Powers of the Board.

(2) Without prejudice to the generality of the foregoing provision, 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.

Betwa River Board Fund.

(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.

Budget.

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 have undertaken to provide for and forward the same to the Central Government and the said State Governments.

Annual Report.

15. (1) The Board shall prepare in such form and at 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 Governments of Madhya Pradesh and Uttar Pradesh.

Accounts and audit.

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

Directions by Central Government.

17. 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.

Disputes between the Board and the State Governments.

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.

Power to enter.

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 of 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 writings of his intention to do so.

45 of 1860.

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.

Members, officers
and employees of
the Board to be
Public servants
Protection of
action taken in
good faith.

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.

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

Power to make
rules.

(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.

Power to make
regulations.

(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. 8

Rules and regulations to be laid before Parliament.

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 (if)]

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

Secy. to the Govt. of India.

BETWA RIVER BOARD RULES, 1977 AS AMENDED BY NOTIFICATION DATED
31st DECEMBER, 1979.

PART-I

Preliminary

1. Short title and commencement-(1) These rules may be called the Betwa River Board Rules, 1979,

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

2. Definitions :-(1) In these rules, unless the context otherwise requires :

(a) "Act" means the Betwa River Board Act, 1976 (63 of 1976); (b) "Board" means the Betwa River Board;

(c) "Chairman" means the Chairman of the Betwa River Board;

(d) "Chief Engineer" means the Chief Engineer of the Board to be known as the Chief Engineer, Rajghat Dam Project;

(e) "Executive Committee" means the Committee constituted under section 5 of the Act;

(f) "Financial Adviser". means the Financial Adviser to the Board;

(g) "Project" means the Rajghat Dam Project;

(h) "Secretary" means the Secretary to the Board.

(2) All other words and expressions used in these rules but not defined and defined in the Act shall have the meanings respectively assigned to them in that act.

PART-II

The Board

3. Office of the Board-(1) The office of the Board shall be located at Jhansi.

(2) The Board may set up a liaison office at New Delhi.

4. Meetings of the Board-(1) The Board shall hold a meeting ordinarily once in a year :

Provided that in case of any urgency, a special meeting of the Board may be summoned at any time by the Chairman.

(2) The meetings of the Board shall be fixed by the Secretary under the orders of the Chairman.

5. Presiding over meetings of the Board.-Every meeting of the Board shall be presided over by the Chairman of the Board. In case a meeting of the Board duly convened under the orders of the Chairman cannot be presided over by him *for* some reason, the meeting may be presided over by the Union Minister in-charge of Power who is also a member of the Board.

6. Quorum.-Any few members shall form quorum at a meeting *of* the Board.

7. Agenda.-(1) Under the orders of the Chairman, the secretary shall prepare and circulate to every member at least fifteen days before an ordinary meeting a list of business to be transacted at that meeting with explanatory notes on each item.

. (2) No 'business, not included in the agenda, shall be transacted without the permission of the chairman.

(3) The review of progress *of* the project shall *form* an item in the agenda of every meeting of the Board.

8. Minutes'.-(1) The minutes of every meeting shall be recorded by the secretary.

(2) After approval *of* the minutes, by the Chairman, the Secretary shall communicate the decisions of the Board to the members the Governments *of* Madhya Pradesh and Uttar Pradesh, the Central Government, the Chairman and the Chairman of the Executive Committee.

9. Decisions by the Board.-(1) All matters brought before any meeting *of* the Board shall be decided by a majority of the votes of the members present and voting at the meeting.

(2) The decisions 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 any of the Governments of Madhya Pradesh and Uttar Pradesh, the Chairman shall refer the matter to the Central Government whose decision thereon shall be final.

Explanation I-If any member raises in any meeting of the Board a point as to whether a question is a question of policy or whether any rights *of* the Governments of Madhya Pradesh or Uttar Pradesh' 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.-Whereas, 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 the decision of the Central Government thereon shall be final.

"9A. Delegation of Powers.-(1) The Board may delegate to the Chairman of the Executive Committee emergency powers to take decisions and issue sanctions on specific urgent proposals referred to him, the decisions taken and sanctions issued by the Chairman will be brought to the notice of the Executive Committee in its next meeting.

(2) The Board may also delegate such powers as it may consider necessary to the Chief Engineer Rajghat Dam Project, the Secretary and the Financial Adviser, Betwa River Board."

PART-III

The Executive Committee

10. Composition.- The Committee shall consist of the following namely :

Chairman:

1. Chairman, Central Water Commission, Ex -Officio Secretary to the Government of India

Members:

- (2) Chairman, (Planning & Progress), Central Water Commission, and ex-officio Additional Secretary to the Govt. of India
- (3) Chairman, Central Electricity Authority, or his nominee of the rank of Chief Engineer and above.
- (4) Joint Secretary, Department of Power, Ministry of Energy, Government of India.
- (5) Financial Adviser, Ministry of Water Resources
- (6) Commissioner (River Basin), Ministry of Water Resources
- (7) Secretary, Finance Department, Government of Madhya Pradesh, or his nominee of the rank of Joint Secretary and above.
- (8) Secretary, Finance Department, Government of Uttar Pradesh, or his nominee of the rank of Joint Secretary and above.
- (9) Secretary, Irrigation Department, Government of Madhya Pradesh.
- (10) Secretary, Irrigation Department or Special Secretary, Irrigation Department, Government of Uttar Pradesh.
- (11) Engineer-in-Chief, Irrigation Department, Madhya Pradesh or his nominee of the rank of Chief Engineer.
- (12) Chief Engineer, Irrigation Department, Uttar Pradesh or his nominee of the rank of Chief Engineer.
- (13) Chairman, Uttar Pradesh State Electricity Board or his nominee of the rank of Chief Engineer
- (14) Chairman, Madhya Pradesh State Electricity Board, or his nominee of the rank of Chief Engineer
- (15) Chief Engineer, Rajghat Dam Project.
- (16) Financial Adviser to the Board.

Secretary :

- (17) Secretary to the Board.

11. Meeting of the Executive Committee.-(1) The meetings of the Executive Committee shall be held either at Jhansi or at Project site or at New Delhi, as may be decided by the Chairman of the Executive Committee,

(2) There shall be not less than one meeting of the Executive Committee in every three months.

(3) The meetings of the Executive Committee shall be fixed by the Secretary under the orders of the Chairman of the Executive Committee.

12. Presiding over meetings of the Executive Committee.-At every meeting of the Executive Committee, the Chairman of the Executive Committee shall preside and, in his absence, the Chairman of the Central Water Commission shall preside.

13. Quorum.-(1) Any six members or their duly authorised nominees not below the rank of Additional Chief Engineer/Joint Secretary shall form a quorum at a meeting of the Executive Committee, provided that the Chief Engineer, The Financial Adviser and the Secretary of the Board shall not be included in the number of members required to form a quorum.

(2) If within fifteen minutes from the time appointed for the meeting a quorum is not present, the Chairman may dissolve the meeting or adjourn it to a suitable date in the same or the following month and the notice of the date, time and place of the adjourned meeting of the committee shall be served upon every member of the Committee not less than seven clear days before the day appointed for the meeting.

(3) A notice will be deemed to be duly served upon any member of the Committee if it is served on him personally or is sent to him by registered post at his official address.

(4) It shall be lawful for the members or their duly authorised nominees not below the rank of Additional Chief Engineer or Joint Secretary, present at such adjourned meeting to dispose of the business intended to be transacted at the original meeting irrespective of the number of members present.

14. Agenda.-(1) Under the orders of the Chairman of the Executive Committee, the Secretary shall prepare and circulate to every member at least fifteen days before a meeting a list of business to be transacted at that meeting.

(2) No business not included in the agenda, shall be transacted without the permission of the Chairman of the Executive Committee.

15. Minutes.-(1) The minutes of every meeting shall be recorded by the Secretary.

(2) After approval of the minutes by the Chairman of the Executive Committee or the member presiding at such meeting, the Secretary shall communicate the decisions of the Executive Committee to the members the Governments of Madhya Pradesh and Uttar Pradesh, the Central Government and the Chairman of the Executive Committee.

16. Decisions by the Executive Committee.-Every question brought before any meeting of the Executive Committee shall be decided by a majority of members present and voting at the meeting before which the matter is brought.

PART-IV

Officers and Employees of the Board

J. Appointments.-Where the Executive Committee makes any appointment of officers or employees on behalf of the Board, all details concerning such appointment shall be placed before the Board at its next meeting.

18. Terms and conditions of service.-(1) The Chief Engineer, the Financial Adviser and the Secretary shall hold office for a period of three years: *

Provided that the Board may, after consultation with the Governments of Madhya Pradesh and Uttar Pradesh, reduce or extend the term of office of the Chief Engineer, the Financial Adviser and the Secretary.

(2) The post of Chief Engineer shall be filled by rotation from amongst the officers of the Governments of Madhya Pradesh and Uttar Pradesh.

(3) The pension and leave salary contributions of the Chief Engineer, the Financial

Adviser and the Secretary for the period of their deputation with the Board shall be paid to the respective State Governments by the Board.

(4) The other terms and conditions of service of the Chief Engineer, the Financial Adviser and the Secretary shall be the same as applicable to the Central Government officers of corresponding status.

PART-V

Budget and Annual Report

19. Budget.-(1) The Budget of the Board for the next Financial year together with the revised budget estimate for the current financial year shall be prepared by the 1st November each year.

(2) The accounts of the Board shall be maintained in accordance with the general principles of classification, as applicable to Government transactions.

The expenditure on the project, however, shall be classified on the pattern of model classifications prescribed for Major Projects, with modifications, if any as approved by the Central Water Commission.

(3) The Budget shall be compiled keeping in view the procedures laid down in Chapter-V of Central Public Works Accounts Code and proforma laid down in Appendix-V of Central Public Works Accounts Code.

The forms for compilation of accounts by the Divisions and by the office of the Financial Adviser shall be prepared by the Financial Adviser and approved by the Executive Committee in consultation with Comptroller and Auditor General of India.

(4) The demand for grant of works on project shall be abstracted according to Sub-Minor Heads of Accounts viz, A--Preliminary, B-Land, C-Works, suspense, other charges etc. which shall be treated as primary units of appropriation. The detailed heads of accounts shall be the secondary units of appropriation.

(5) The Chief Engineer will prepare a consolidated budget which will indicate the anticipated expenditure on various Sub-Minor Heads of Account including the anticipated expenditure on Units of Secretary and Financial Adviser. The budget so prepared by the Chief Engineer alongwith comments of Financial

Adviser and replies of Chief Engineer therein will be placed by the Secretary before the Executive Committee for its approval.

(6) The Chief Engineer shall have full powers to reappropriate savings from one Sub-Minor Head of Account to another. Any reappropriation from one Minor Head to another like I-Works, II-Establishment, III-Tools and Plants, etc. will be done only after seeking the approval of the Executive Committee.

(7) The Chief Engineer, shall allocate grants under each minor head of accounts to the Superintending Engineers, who on their part, will further allocate the funds estimatewise to the Divisions under their control.

(8) No expenditure shall be incurred on any work for which allocations/ provisions do not exist in the approved demand for grants except as provided for under sub rules (3) and (4).

"19 A Accounts.- (1) Contributions of the State Governments to the Board shall be credited to the Betwa River Board Fund created under section 13 (1) of the Act and expenditure of the Board shall be met from the said Fund.

(2) Accounts of the Board shall be audited by the Comptroller and Auditor General of India.

- (3) The audited accounts with the report of the Comptroller and Auditor General of India thereon shall be presented to the Board and copies thereof sent to the Governments of Madhya Pradesh and Uttar Pradesh and the Central Government. The Central Government will cause the annual accounts to be laid before the Houses of Parliament as required under section 15 (1) of the Act alongwith the report of the auditor."

20. Annual Report-(1) The Board shall prepare its annual report before the expiry of six months of the end of the financial year.

(2) The annual report shall give a full account of the income and expenditure during the previous year, the net amounts attributable to irrigation, power and the distribution of the capital cost between The state Governments of Madhya Pradesh and Uttar Pradesh, and show the progressive total under each of the aforementioned items from the inception of the Board and the upto date financial position of the Project.

(3) Printed copies of the annual report shall be made available to the central Government and the state Governments of Madhya Pradesh and Uttar Pradesh by the 15th of October of each years.

PART-VI

FORMS AND MANNER IN WHICH A DISPUTE MAY BE REFERRED TO THE CENTRAL GOVERNMENT AND THE PROCEDURE TO BE FOLLOWED FOR SETTLEMENT OF SUCH DISPUTE.

21. Application.-(1) Where any of -the State Governments of Madhya Pradesh or Uttar Pradesh or both or the Board desire to refer any matter in dispute between them to the Central Government under section 18 of the Act.

State Government concerned/the Board shall address a letter in writing in triplicate, signed by its Secretary, to the Secretary to the Government of India, Department of Irrigation, Ministry of Agriculture and Irrigation, and such letter shall unless delivered personally, be sent by registered post.

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

- (a) the parties to the dispute or difference.
- (b) specific matters of dispute/difference between them.
- (c) efforts if any, made by the parties themselves to settle the matter in dispute, and'
- (d) specific views alongwith supporting data/documents of the aggrieved party on the matter in dispute.

22. APPOINTMENT OF INVESTIGATOR.-On receipt of such application the Central Government shall appoint the secretary to the Government of India, Department of Irrigation, Ministry of Agriculture and Irrigation, as Investigator.

23. COOPTING MEMBERS TO ASSIST INVESTIGATOR.-The Investigator may coopt two or more members of the Central Water Commission or Central Electricity Authority to' assist him in the investigation of the dispute.

The advise of the members shall not be binding on the Investigator.

24. NOTICE TO PARTIES TO NOMINATE REPRESENTATIVE.-The Investigator shall, for the purpose of the proceedings before him, require the parties to the dispute in the form set out in Annexure-'A' to nominate, with in a specified time, their representatives to present their case before him.

25. *Procedure if Representatives are not nominated.*-Where any party to' the proceedings before an Investigator fails to nominate any representative to present its case before the Investigator within the stipulated period, or where the representative so nominated does not appear before the Investigator, he may proceed as if such party had been represented. •

26. *Production of Documents.*-The Investigator may require any party to the dispute, in the form set out in Annexure 'B' 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 dispute under investigation, which the Investigator thinks necessary for the purpose of giving his recommendations.

27. *Serving Notice or Order.*-Any notice or order issued by the Investigator may be served either personally or by registered post.

28. *Procedure at Commencement of Proceedings.*-At the commencement of the proceedings before the Investigator, each of the parties shall state its case in such order as the Investigator may think fit.

29. *Examination by Representatives.*-Any representative of the party appearing before the Investigator may examine, cross examine and re-examine any person, other than a representative of a party appearing before the Investigator, and may address the Investigator in regard to the matter in dispute in such order as the Investigator thinks fit,. after each party to' the dispute has presented its case before him.

30. *Recommendations of the Investigator.*-The Investigator shall submit his recommendations to the Board, on the matters referred to' him, within as short a time as may be practicable in the circumstances of the case.

Prime Minister's Decision.; to be final.- The recommendations of the Investigator shall be discussed in the meeting of the Board and if the dispute is not settled by the Board, the dispute shall be referred by the Board to the Prime Minister whose decision on the dispute shall be final and binding on the parties to the dispute and shall be given effect to by them.

ANNEXURE-A

(See rule 24)

1..0

to the Government .of
The Secretary
the Betwa River Board

Whereas there is a matter in dispute between the Governments .of. and the
Betwa River Board viz. (here enter the
. matter in dispute).

And whereas, I have been appointed Investigator under Rule 22 Part-VI of the Betwa
River Board (Amendment) Rules, 1979 framed under section 22(g) .of Betwa River Board
Act, 1976 (63 .of 1976), in respect .of the said matter.

Now, therefore you are hereby required to intimate to me not later than the.
. Name (s) and address (es) .of the person (s)
whom the Government .of. Betwa River Board has
nominated as its representative (s).

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

Date..... '

Investigator appointed under rule 22 Part VI .of the
Betwa River Board (Amendment) Rules, 1979
framed under section 22 (g) .of the Betwa
River Board Act, 1976.

ANNEXURE-B

(See rule 26)

To

Whereas there is a matter in dispute between the Government .of.
. and Betwa River Board viz. (here enter the
matter in dispute) and that matter has been referred to the undersigned for investigation
under rule 22 part-VI .of the Betwa River Board (Amendment) Rules 1979, framed under
section 22 (g) .of the Betwa River Board Act, 1976 (63 .of 1976).

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

Date.....

Investigator appointed under rule 22 Part VI .of the
Betwa River Board (Amendment) Rules, 1979
framed under section 22 (g) .of the Betwa
River Board Act, 1976.

[Na. 3/79 F. No. 18 (52)176-GB/P. (IV)]
N. L. SHANKARAN, Jt. Secretary

BETWA RIVER BOARD REGULATIONS 21st NOV. 1978 AS AMENDED
BY NOTIFICATION DATED 12th SEPT. 1982.

1. Short title and Commencement :-(1) These regulations may be called the Betwa River Board Regulations, 1978.

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

2. Definition :-In these regulations, unless the context otherwise requires :(a) "Act"

means the Betwa River Board Act, 1976 (63 of 1976);

(b) "Board" means the Betwa River Board;

(c) "Chairman" means the Chairman of the Board;

(d) "Chief Engineer" means the Chief Engineer of the Board to be known as the Chief Engineer Rajghat Dam Project;

(e) "Executive Committee" means the Executive Committee Constituted under section 5 of the Act;

(f) "Financial Adviser" means the Financial Adviser to the Board;

(g) "Project" means the Rajghat Dam Project;

(h) "Rajghat Dam" means the Dam described in the Schedule of the Act;

(i) "Secretary" means the Secretary to the Board.

3. Association of Persons to Assist or Advise the Board :

(1) The Board may associate with itself, any person or persons or Government, semi-Government, autonomous or private Organization, to assist or advise [he Board in matters directly or indirectly connected with efficient, economical and speedy functioning of the Board, subject to the provisions of the Act.

(2) Without prejudice to the generality of the foregoing powers, the Board may seek assistance or advice for the following purposes :

(i) Investigation, Designs and Planning for construction of Rajghat Dam, Power House and appurtenant works;

(ii) Construction of Rajghat Dam, Power House and appurtenant works;

(iii) Quality Control in the Project; (iv) Monitoring of construction works on the project; (v) Research; (vi) Procurement of construction equipment;

(vii) Procurement of materials of construction;

- (viii) Appointment of Arbitrator for claim~ of contractors;
- (ix) Legal proceedings;
- (x) Maintenance of Accounts, Financial Control, Cost Accounts and Management Accounts;
- (xi) Labour disputes.

(3) Whenever assistance or advice as indicated aforesaid is required, the proposals covering the following aspects shall be submitted by Secretary, Chief Engineer or Financial Adviser, as the case may be, for consideration and approval of the Executive Committee :

- (i) Necessity for assistance or advice,
- (ii) Name of the person or persons or organizations from whom assistance or advice is proposed to be sought,
- (iii) The period for which such assistance is required, (iv) Proposed terms and conditions,
- (v) Financial implications,
- (vi) Recommendations or comments of the Secretary, Chief Engineer and Financial Adviser on the proposals,

4. Powers and Duties of the Chief Engineer :-Subject to the general superintendence and control of the Board and Executive Committee, the Chief Engineer shall be responsible to

- (i) Carry out surveys and investigations in the Betwa Inter State river valley and prepare. a comprehensive project report for the construction of Rajghat Dam, appurtenant works and for the generation of power at Rajghat Dam, including the construction of power house near the dam, 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;
- (ii) prepare detailed reports and estimates in respect of the Project with Proposals for sharing the cost by the Governments of Madhya Pradesh and Uttar Pradesh;
- (iii) draw up standards and specifications for implementations the Project and for the maintenance thereof;
- (iv) construct the Rajghat Dam and the Rajghat Power House and appurtenant works;
- (v) lay down rules of operation and management of Rajghat Dam;
- (vi) Prepare the Annual Budget, annual construction programme for the Rajghat Dam, the Rajghat Power House and appurtenant works and submit the same to the Secretary for the approval of the Board or Executive Committee, as the case may be;
- (vii) compile annual report, and furnish the same to the Secretary;
- (viii) furnish expeditiously any data or information required by the Board or Executive Committee as and when intimated by the Secretary; and
- (ix) Perform any other functions which are supplemental, incidental or consequential to all or any of the functions specified above.

5. Terms and conditions of service of Officers and Employees, other than Chief Engineer, Secretary and Financial Adviser, of the Board- (1) The terms and conditions of appointments on deputation shall be governed by the relevant orders, as obtaining from time to time for Central Government Officers of the corresponding category. The pay of the Officers and employees shall be regulated in the terms of the provisions of the Ministry of Finance (Department of Expenditure) Memo No. 1O(24)E.III/f60 dated the: 4th May, 1961, as amended from time to time and as per concessions and project facilities sanctioned by the Board from time to time.

(2) The pension and leave salary contribution of the Officers and employees for the period of their deputation with the Board, shall be paid to the parent department by the Board.

(3) The other terms and conditions of service of the Officers and employees shall be the same as are applicable to the Central Govt. officers of corresponding status. Provided that in the case of employees on deputation, the period of deputation shall' normally be 4 years. The Board may, in the public interest, extend the period of deputation by one year. The employees shall be entitled to deputations (duty) allowance for the period of deputation (including the period of extension). (with effect from 19-2-1982).

4. The terms and conditions of employees directly recruited. shall be the same as are applicable to the Central Government employees of corresponding status.

¹[5. The terms and conditions of retired personnel of the Irrigation Departments of Madhya Pradesh and Uttar Pradesh and from the offices of the Accountant General, Government of India, if re-employed shall be the same as applicable to the Central Government employees.

(TO BE PUBLISHED IN THE GAZETTE OF INDIA, PART –II
SECTION 3 SUB-SECTION (i))

NO. 10/7/86-P.III
GOVERNMENT OF INDIA
MINISTRY OF WATER RESOURCES

New Delhi, dated 14th may, 1986

NOTIFICATION

GSRIn exercise of the powers conferred by Section 22 of the Betwa River Board Act, 1976 963 of 1976) the Central Government hereby makes the following rules further to mend the Betwa River Board Rules 1977, namely:-

1. (1) These rules may be called the Betwa River board (Amendment) rules, 1986.
 - (2) They shall come into force on the date of their publication in the Official Gazettee.
 2. In the Betwa River board Rules 1977- for rule 10, the following rule shall be substituted, namely:-
10. **Composition** – The committee shall consist of the following namely;-

Chairman

Chairman, Central Water Commission and Ex-officio Secretary to the Government of India.

Members

- (2) Member (Planning and Progress), Central Water Commission and ex-officio Additional Secretary to the Govt. of India.
- (3) Chairman, Central Electricity Authority or his nominee of the rank of Chief Engineer and above.
- (4) Joint Secretary, Deptt. Of Power, Ministry of Energy, Govt. of India.
- (5) Financial Adviser, Ministry of Water Resources.
- (6) Commissioner (River Basins), Ministry of Water Resources
- (7) Secretary, Finance Deptt., Government of M.P. or his nominee of the rank of Joint Secretary and above.
- (8) Secretary, Finance Deptt., Government of U.P. or his nominee of the rank of Joint Secretary and above.
- (9) Secretary, Irrigation Department, Govt. of M.P.

(10) Secretary, Irrigation Department, or Special Secretary, Irrigation Deptt. Govt. of U.P.

(11) Engineer-in-Chief, Irrigation Department, Govt. of M.P. or his nominee of the rank of Chief Engineer

(12)) Engineer-in-Chief, Irrigation Department, Govt. of U.P. or his nominee of the rank of Chief Engineer

(13) Chairman, U.P. State Electricity board or his nominee of the rank of Chief Engineer

(14) Chairman, M.P. State Electricity board or his nominee of the rank of Chief Engineer

(15) Chief Engineer, Rajghat dam Project.

(16) Financial Adviser to the Board

Secretary :

(17) Secretary to the Board

Sd/-

(BINOO SEN)

JOINT SECRETARY TO THE GOVERNMENT OF INDIA