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 :-(I) 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-(l) 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 c01!sist 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, Govern ment of India.

l (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.

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(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 clays 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.

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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 Finaficial 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 ru1e 24)

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The Secretary to the Government .of 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 far 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

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