

Inland Waterways Authority of India Rules, 1986

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Inland Waterways Authority of India Rules, 1986

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CHAPTER 1

Preliminary

1. Short title and commencement :-

(1) These rules may be called the Inland Waterways Authority of India Rules, 1986.

(2) 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,-

(i) "Act" means the Inland Waterways Authority of India Act, 1985 (82 of 1985) ;

(ii) "Advisory Committee" means an Advisory Committee constituted under Section 9 of the Act;

(iii) "annual report" means the annual report referred to in Section 22 of the Act;

(iv) "Audit Officer" means the Comptroller and Auditor General of India and includes any person appointed by him in connection with the audit of accounts of the Authority ;

(v) "Authority" means the Inland Waterways Authority of India

constituted under Section 3 of the Act;

(vi) "Budget" means the estimate of receipts and expenditure of the Authority for a financial year ;

(vii) "Chairman" means the Chairman of the Authority;

(viii) "Fund" means the Inland Waterways Authority of India Fund, constituted under Section 19 of the Act;

(ix) "member" means a member of the Authority;

(x) "scheme" means a scheme referred to in Section 14 of the Act;

(xi) "Vice-Chairman" means the Vice-Chairman of the Authority ;
and

(xii) "Regulation" means the Regulations made by the Authority under Section 35 of the Act.

CHAPTER 2

Term of office, salary and other conditions of service of members

3. Term of Office :-

(1) A member appointed by the Central Government under subsection (3) of Section 3 of the Act, shall hold office for a period of three years or such period, not exceeding three years, as may be determined by the Central Government, having regard to the circumstances of each case.

(2) The term of office of a member shall be computed from the date he assumes office.

4. Resignation :-

(1) A member may resign his office by a letter addressed to the Chairman.

(2) The office of the member shall fall vacant from the date on which the resignation of such member is accepted by the Central Government.

(3) The Chairman shall communicate the acceptance of the resignation of the member to the Authority at its next meeting.

5. Salary :-

(1) Unless specified otherwise at the time of appointment, the salary and allowances payable to the Chairman, Vice-Chairman and

a member shall be:-

(i) Chairman: As applicable to the officers of the Central Government of the rank of Additional Secretary to the Government of India.

(ii) Vice-Chairman: As applicable to the officers of the Central Government of the rank of Joint Secretary to the Government of India.

(iii) Full time Member: As applicable to the officers of the Central Government of the rank of the Joint Secretary to the Government of India.

(2) In case any member is in receipt of any superannuation pension at the time of his appointment, the pay of such member shall be reduced by the amount he receives in the form of pension including pension equivalent of gratuity.

(3) The salary of a member shall not be varied to his disadvantage during the period he holds the office as a member.

6. Residential accommodation :-

Chairman, Vice-Chairman and every Full time member shall be entitled to an unfurnished accommodation on deduction of 10 per cent of the salary subject to the ceiling on the monthly rental for such accommodation to be regulated in accordance with the rules for the time being in force for allotment of residence or to draw such house rent allowance as is admissible to the highest category of officers of the Authority.

7. Free use of car :-

The use of the car of the Authority by the Chairman, Vice-Chairman, and every other member, for private purposes shall be regulated in accordance with the rules or orders for the time being in force for use of car by officers of the Central Government of and above the rank of Joint Secretary.

8. Travelling allowance, joining time and joining time pay :-

The Chairman, Vice-Chairman and every full time member shall be entitled to such travelling allowance, joining time and joining time pay while proceeding to join duty on their initial appointment and on reversion therefrom as are admissible to the highest category of officers in the whole-time employment of the Authority in accordance with the regulations applicable in that behalf: Provided

that in the absence of any such regulations made by the Authority in that behalf, the travelling allowance, joining time and joining time pay shall be regulated in accordance with the rules or orders made by the Central Government for regulation of travelling allowance, joining time and joining time pay in respect of officers of the Central Government of and above the rank of Joint Secretary.

9. Travelling and daily allowance for journeys on tour :-

The Chairman, Vice-Chairman and every other member shall be entitled to draw such travelling allowance and daily allowance as is admissible to the highest category of officers in the wholetime employment of the Authority in accordance with the regulations applicable in that behalf of the Authority : Provided that until such time regulations are made by the Authority in that behalf, the travelling and daily allowance for journeys on toil shall be regulated in accordance with the rules or orders made by the Central Government for regulation of travelling by officers of the Central Government of the rank of and above Joint Secretary.

10. Other facilities and conditions of services :-

Other allowances and conditions of service of the Chairman, Vice-Chairman and the other full time members shall be such as may be determined by the Central Government at the time of their appointment : Provided that as respects any matter which is not so specifically determined by the Central Government, the regulations applicable in that behalf to the highest category of the officers in the wholetime employment of the Authority shall apply to the Chairman/Vice-Chairman and every other full time member.

CHAPTER 3

Powers and duties of the Chairman and Vice-Chairman

11. Powers and duties of the Chairman :-

(1) In addition to presiding over the meetings of the Authority and discharging the powers delegated to him by the Authority, the Chairman shall, as the Chief executive of the Authority, be entrusted, subject to any regulations made under Section 35 , with the overall responsibility of carrying out the purposes of the Act.

(2) The Chairman shall :-

(i). attend every meeting of the Authority unless prevented by sickness or other reasonable cause ;

(ii) report to the Authority about the significant events and

developments in respect of the affairs of the Authority;

(iii) be responsible to the Central Government as regards the functioning and performance of the Authority ;

(iv) transmit, as soon as possible, to the Central Government a copy of the minutes of every meeting of the Authority ;

(v) submit by first week of every month a report to the Central Government on the activities and performance of the Authority during the preceding month and submit reports on such matters as may be directed by the Central Government from time to time;

(vi) carry out all directions of the Central Government in connection with the affairs of the Authority given in writing ;

(vii) discharge such specific duties or assignments in respect of any matters connected with the affairs of the Authority as the Central Government may consider fit to entrust to him;

(viii) carry out or cause to be carried out all directions, decisions and orders of the Authority;

(ix) exercise supervision and control over the acts of all employees of the Authority in matters of executive administration and in matters concerning the accounts and records of the Authority.

12. Powers and duties of the Vice-Chairman :-

(1) The Vice- Chairman shall, subject to any regulations made under Section 35 , exercise the powers of granting extension of service to, granting leave to, suspending, reducing, compulsorily retiring, removing of any other question relating to the services of any officer or employee of the Authority, including the power of dispensing with the services of any such officer or employee otherwise than by reason of the misconduct of such employee.

(2) The Vice-Chairman shall :-

(i) assist the Chairman in the discharge of his functions ;

(ii) attend every meeting of the Authority unless prevented by sickness or other reasonable cause;

(iii) exercise the powers and perform the duties of the Chairman subject to any such conditions and restrictions as may be specified by the Central Government if the Chairman is, by infirmity, or otherwise, rendered incapable of carrying out his duties or is absent

on leave or otherwise, in circumstances not involving the vacation of his office.

CHAPTER 4

Procedure for Authority meetings

13. Frequency of meetings :-

(1) A meeting of the Authority, other than a special meeting referred to in Rule 14, shall be held at least once in every month.

(2) The Chairman shall, from time to time, determine the date and time of its meetings.

(3) A meeting of the Authority shall be held at the Headquarters of the Authority or such other place as may be decided by the Authority in consultation with the Central Government.

14. Calling of special meetings :-

The Chairman or in his absence the Vice-Chairman, may, wherever he thinks fit, and shall upon the written request of not less than two members, call a special meeting of the Authority.

15. Notice of meetings :-

(1) A meeting of the Authority, other than a special meeting referred to in Rule 6, shall be called by giving each member not less than seven clear days notice in writing, and each member shall be furnished a list of business to be disposed in that meeting.

(2) A special meeting shall be called by giving each member not less than three clear days' notice in writing.

16. Quorum :-

(1) The quorum for meeting of the Authority other than special meeting, shall be at least three members.

(2) Four members present shall be the quorum for special meetings of the Authority.

(3) If within half an hour from the time appointed for holding a meeting of the Authority, quorum is not present, the meeting shall be adjourned to the same day in the following week at the same time and place and the presiding officer of such meeting shall inform the members present and send notice to other members.

(4) If at the adjourned meeting, also) quorum is not present within half an hour from the time appointed for holding the meeting, the

members present shall be the quorum.

17. Presiding at meetings :-

The Chairman or in his absence the Vice-Chairman shall preside at every meeting of the Authority and if both the Chairman and the Vice-Chairman are not present, the members present shall elect one of the members to preside over the meeting.

18. Discussion on items not included in the agenda :-

The presiding officer at a meeting may at his discretion include for discussion any item not included in the agenda, if the same is, in his opinion, of sufficient importance or urgency and cannot be held over for consideration at any subsequent meeting.

19. Minutes of the meeting :-

(1) Minutes of the proceedings at each meeting of the Authority shall be recorded in a book to be provided by the Authority for this purpose, which shall be signed as soon as practicable by the presiding officer of such meeting and shall be open to inspection by any member during office hours.

(2) Minutes of the proceedings, excepting such portion thereof, as the Chairman or, in his absence the Vice-Chairman, may direct in any particular case, shall also be open to the inspection of the public at the Headquarters of the Authority during office hours ;

(3) The names of the members present at each meeting shall be recorded in the minutes book;

(4) A member present at any meeting of the Authority shall sign his name in a book or register to be provided by the Authority for the purpose.

20. Adjournment of meeting :-

(1) The presiding officer of a meeting may adjourn it to a later date, which date shall be announced at the meeting and where an announcement to that effect is not made, the presiding officer shall give seven clear days' notice to all the members;

(2) No business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

CHAPTER 5

Advisory Committees

21. Procedure for transaction of business of Advisory Committees :-

(1) The quorum for a meeting of Advisory Committee shall be not less than one half of the total number of members of the Advisory Committee;

(2) Subject to sub-rule (1), the meetings of any of the Advisory Committee shall, as far as may be, governed by the rules applicable to the meetings of the Authority specified in Chapter (IV).

22. Term of office of members :-

(1) A member of an Advisory Committee shall hold office for such period as may be determined by the Authority with the previous approval of the Central Government and shall be eligible for re-appointment;

(2) A member of an Advisory Committee may resign his office by a letter under his hand addressed to the Chairman;

(3) A member of an Advisory Committee shall be deemed to have vacated his office :-

(a) if he fails to attend three consecutive meetings of the Advisory Committee;

(b) if he becomes an insolvent; or

(c) if he is convicted of any offence which, in the opinion of the Central Government involves moral turpitude.

(4) The Authority may remove from Advisory Committee, any member who in its opinion :-

(a) refuses to act;

(b) is incapable to act ;

(c) has so abused his office as to render his continuance in office detrimental to public interest;

(d) is otherwise unsuitable to continue as a member.

23. Allowances :-

Every non-official member of the Advisory Committee shall be entitled to allowance of rupees fifty for attendance of each meeting: Provided that the aggregate amount of allowance payable

to any member of the Advisory Committee for attendance of the meetings of the Advisory Committee during a calendar month shall not exceed rupees five hundred.

24. Travelling allowances :-

Every outstation non-official member of the Advisory Committee attending any meeting of the Advisory Committee shall be entitled :-

(a) to receive, in addition to the allowance payable under Rule 18, travelling allowance at the rates applicable to the highest category of officers in the wholetime employment of the Authority;

(b) to receive daily allowance at the rate applicable to the highest category of officers in the wholetime employment of the Authority for the period of journey performed to and from the place of meetings of the Advisory Committee and the place of his residence.

CHAPTER 6

Capital Expenditure

25. Amount for capital expenditure :-

The amount for the purposes of sub-section (4) of Section 14 of the Act shall be two crores of rupees.

CHAPTER 7

Budget, Accounts and Audit

26. Preparation and submission of budget :-

(1) The budget estimates of the Authority for every financial year shall be prepared by the Chairman or such employee of the Authority as may be authorised by him in this behalf, in Forms A-1 to A-5 annexed to these rules sufficiently in advance of the date specified in sub-rule (4).

(2) A copy of the budget estimates so prepared shall be sent to each member at least fourteen days before the meeting of the Authority at which such estimates are to be considered.

(3) The Authority shall consider and sanction the budget estimates with such changes as it thinks fit at the meeting fixed for the purpose or at any other meeting to which the consideration of the budget estimates is adjourned.

(4) The budget estimates sanctioned by the Authority shall be forwarded to the Central Government by the fifteenth day of October of the financial year preceding the financial year to which

the budget estimates relate: Provided that the Central Government may, at the request of the Authority, fix such later date, but not beyond the 31st day of October, as the Government thinks fit.

27. Supplementary budget :-

The Authority shall, where necessary, also forward to the Central Government to supplementary budget in respect of the financial year to which it relates, in Forms A-1 to A-5 annexed to these rules before such date as may be specified by Government.

28. Accounts of Authority :-

The accounts of the Authority, including initial accounts of stores) shall be maintained in such form as may be specified by Government from time to time in consultation with the Comptroller and Auditor General of India.

29. Preparation and submission of annual report and annual account :-

(1) The Chairman shall prepare, as soon as may be after the commencement of each financial year:-

(a) the annual report referred to in Section 22 of the Act; and

(b) the annual statement of accounts referred to in Section 23 of the Act which shall include the profit and loss account and balance sheet and such other subsidiary accounts as the Central Government may, in consultation with the Comptroller and Auditor General of India, direct.

(2) The annual report referred to in sub-rule (1) shall, inter alia include account of the activities of the Authority during the previous financial year on the following matters, namely :-

(i) a statement of corporate and operational goals and objectives of the Authority;

(ii) annual targets in physical and financial terms set for various activities in the background of (1) above together with a brief review of the actual performance with reference to those targets;

(iii) an administrative report on the activities of the Authority during the year just past and the current year and an account of the activities which are likely to be taken up during the next financial year;

(iv) a summary of the actual financial results during the previous

year and year of report, as indicated by way of statements of (a) income and expenditure, (b) source and application of funds and (c) cash flow;

(v) important changes in policy and specific measures either taken or proposed to be taken, which have influenced or are likely to influence the profitability or functioning of the Authority;

(vi) new projects or expansion schemes contemplated together with their advantages, financial implications and programmes for execution;

(vii) important changes in the organisational set up of the Authority;

(viii) report on employer-employee relations and welfare activities of the Authority; and

(ix) report on such other miscellaneous subjects as deemed fit by the Authority or the Central Government for reporting to the latter.

(3) The annual report referred to in sub-rule (1) shall be placed for adoption in the meeting of the Authority and shall be signed by the members and authenticated by affixing the common seal of the Authority and one hundred copies thereof shall be submitted to the Central Government by the end of October of the following year.

(4) The audit officer shall audit and report on the annual accounts of the Authority by the end of August of the following year and certify whether in his opinion the balance sheet and profit and loss account contain all particulars and are properly drawn up so as to exhibit a true and fair state of affairs of the Authority and in case he has called for any information from the Authority or any of its officers, whether it has been given and whether it is satisfactory.

(5) The annual accounts signed by the members and authenticated affixing the common seal of the Authority after adoption by the Authority at its meeting together with the Auditor's certificate and report thereon shall be submitted to Government by end of October of the following year to which the accounts relate.

30. Cost of audit :-

The Authority shall arrange to pay to the Comptroller and Auditor General of India the expenditure incurred by him in connection with the annual audit of its account, within three months from the date on which any demand therefor is made by him.

CHAPTER 8

Investment of Funds

31. Manner of investment of Fund :-

All money standing at the credit of the Fund which cannot immediately be applied for the purposes specified in sub-section (2) of Section 19 of the Act shall be deposited in the State Bank of India) any Scheduled bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 or the Banking Companies (Acquisition and Transfer of Undertaking) Act, 1980 (40 of 1980).

32. Reserve Fund :-

(1) In respect of every loan raised by the Authority, not being a loan repayable before the expiration of one year from the date of the loan, the Authority shall set apart a sum half yearly, out of its income in a reserve fund, sufficient to liquidate the loan within a period which shall not in any case exceed thirty years: Provided that a reserve fund need not, in the absence of any stipulation to that effect, be established in the case of loans taken by the Authority from the Central Government or any State Government.

(2) The sums set apart by the Authority under sub-rule (1) shall be invested in securities of the Central Government or in such other securities as the Central Government may approve in this behalf, and shall be held in trust for the purposes of the Act by the Authority.

(3) The Authority may apply the whole or any part of the sums accumulated in any reserve fund in or towards the discharge of the loan liabilities for the repayment of which the fund has been established: Provided that Authority pays into the fund each year, and accumulates until the whole of the money borrowed is discharged, a sum equivalent to the interest which would have been produced by the reserve fund, or the part of the reserve fund, so applied.

(4) A reserve fund established for the liquidation of any loan shall be subject to annual examination by such person as may be appointed by the Central Government in this behalf, and the person so appointed shall ascertain whether the cash and the current market value of the securities at the credit of the Fund are actually equal to the amount which would have accumulated had investments been regularly made and rate of interest as originally estimated

obtained thereon.

(5) The Authority shall pay forth with into the reserve fond any amount which the person appointed under sub-rule (4) to conduct the annual examination of the Fund may certify to be deficient unless the Central Government specifically sanctions a gradual readjustment.

(6) If the cash and current market value of the securities at the credit of a reserve fund are in excess of the amount which should be at its credit, the person appointed under sub-rule (4) shall certify the amount of this excess and the Authority may, with the previous sanction of the Central Government reduce or discontinue the hair-yearly contributions to the reserve fund.

CHAPTER 9

Power to enter land or premises

33. Mode of service of notice :-

(1) Before entering upon any land or premises under Section 28 of the Act) the authorised person shall serve on the owner of the land or premises intended to be entered upon, notice in Form B annexed to these rules.

(2) The notice may be served by delivering or tendering a copy of such notice to the person for whom it is intended to or to any adult member of his family or to agent or servant or by sending it by registered post acknowledgement duly addressed to that person at his usual or last known place of residence or business.

(3) Where the serving officer delivers or tenders the copy of the notice under sub-rule (2), he shall require the signature of the person to whom the copy is delivered or tendered to an acknowledgement of service endorsed on original.

(4) Where the person or the adult member of the family or servant of such person refuses to sign the acknowledgement, or where the serving officer, after using all the due and reasonable diligence, cannot find such person and there is no adult member of the family or servant of such person, the serving officer shall affix a copy of notice on the outer door or some other conspicuous part of the ordinary residence or usual place of business of such person and then shall return the original to the competent authority who served the notice, with a report endorsed thereon or annexed thereto stating that he has had to affix a copy, the circumstances

under which he did so and the name and address of the person, if any, by whom the usual or last known place of residence or business, as the case may be, was identified and in whose presence the copy was affixed.