

## **RIVER BOARDS ACT, 1956**

**49 of 1956**

**[12th September, 1956]**

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## **RIVER BOARDS ACT, 1956**

**49 of 1956**

**[12th September, 1956]**

An Act to provide for the establishment of River Boards for the regulation and development of inter-State rivers and river valleys. BE it enacted by Parliament in the Seventh Year of the Republic of India as follows :-

### CHAPTER 1

#### PRELIMINARY

#### **1. Short title and commencement :-**

(1) This Act may be called The River Boards Act, 1956.

(2) It shall come into force on such date<sup>1</sup> as the Central Government may by notification in the Official Gazette, appoint.

1. For "The River Board Rules, 1958", see G.S.R. 813 published in Gaz. of India, 13-9-1958, Pt. 11, section 3(i). page 748.

#### **2. Declaration as to expediency of control by Central Government :-**

It is hereby declared that it is expedient in the public interest that the Central Government should take under its control the regulation and development of inter-State rivers and river valleys to the extent hereinafter provided.

#### **3. Definitions :-**

In this Act, unless the context otherwise requires,-

(a) "Board" means a River Board established under section 4 :

(b) "Governments interested" in relation to a Board, means the Governments of those States which, in the opinion of the Central Government, are likely to be interested in, or affected by, the functions of the Board under this Act:

(c) "member" means a member of a Board and includes its Chairman:

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

## CHAPTER 2

### ESTABLISHMENT OF RIVER BOARDS

#### **4. Establishment of Boards :-**

(1) The Central Government may, on a request received in this behalf from a State Government or otherwise, by notification in the Official Gazette, establish a River Board for advising the Governments interested in relation to such matters concerning the regulation or development of an inter-State river or river valley or any specified part thereof and for performing such other functions as may be specified in the notification, and different Boards may be established for different inter-State rivers or river valleys : Provided that no such notification shall be issued except after consultation with the Governments interested with respect to the proposal to establish the Board, the persons to be appointed as members thereof and the functions which the Board may be empowered to perform.

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

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

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

#### **5. Composition of Board :-**

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

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

#### **6. Terms and conditions of service of members :-**

(1) A member shall, unless his appointment is terminated earlier by the Central Government, hold office for such period as may be notified in this behalf by the Central Government in the Official

Gazette and shall, on the expiry of the term of his office, be eligible for re-appointment.

(2) A member may resign his office by writing under his hand addressed to the Central Government, but he shall continue in office until the appointment of his successor is notified in the Official Gazette.

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

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

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

**7. Temporary absence of any member :-**

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

**8. Meetings of Board :-**

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

**9. Vacancy in Board, etc., not to invalidate acts or proceedings :-**

No act or proceeding of the Board shall be deemed to be invalid by reason only of the existence of any vacancy in the Board or any defect in the appointment of a member thereof. "The Committee consider that the scope of the existing clause 9 is rather too wide and that it is not desirable to validate all acts and proceedings of the Board, notwithstanding any defect in its constitution. At the same time, they realise that it is necessary to have some saving provision and that a defect in the appointment of a member of a Board should not be a ground for invalidating the acts and proceedings thereof. The clause has been amended accordingly."\_\_J.C.R.

**10. Appointment of advisory committee :-**

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

**11. Temporary association of persons with Board for particular purposes :-**

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

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

**12. Staff of Board :-**

Subject to such rules as may be made by the Central Government in this behalf, the Board may, for the purpose of enabling it to efficiently perform its functions or exercise its powers under this Act. appoint such officers as it may think fit and determine their functions and terms and conditions of service. "The Committee feel that the distinction which is sought to be made between officers and other employees is neither justified nor called for and that all the employees of the Board may be called officers. The Committee have, therefore, omitted the words "or other employees" a[which occurred in the Bill after the words "such officers"] in this clause.- J.L.R.

CHAPTER 3

POWERS AND FUNCTIONS OF THE BOARD

**13. Matters in respect of which a Board may be authorised to tender advice :-**

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

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

respect of the measures undertaken by them in the inter-State river or river-valley for the purpose of-

(i) conservation, control and optimum utilisation of water resources of the inter-State river;

(ii) promotion and operation of schemes for irrigation, water-supply or drainage',

(iii) promotion and operation of schemes for the development of hydro-electric power;

(iv) promotion and operation of schemes for flood control;

(v) promotion and control of navigation;

(vi) promotion of afforestation and control of soil erosion;

(vii) prevention of pollution of the waters of the inter-State river;

(viii) such other matters as may be prescribed;

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

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

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

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

#### **14. Functions of Board :-**

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

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

(3) In performing its functions under this Act, the Board shall

consult the Governments interested at all stages and endeavour to secure, as far as may be practicable, agreement among such Governments.

"under the proviso to clause 4(1) [now section 4(1)] it is necessary for the Central Government to consult the Governments interested with respect to the functions which a Board may be empowered to perform. The Committee feel that the powers of the Central Government under sub-clause (1) of clause 14 to specify the functions of the Board are not unfettered. This sub-clause is governed by the proviso to Cl. 4(1). In order to make the position clear and to bring the language of this sub-clause in conformity with the proviso to clause 4(1), the Committee have amended this sub-clause" a[by inserting the words "after consultation with the Governments interested".]-J.C.R.

### **15. Preparation of schemes by Board and their execution :-**

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

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

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

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

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

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

"When a Board is requested to prepare any scheme for the regulation and development of any inter State river or river-valley, it has to prepare a draft scheme and consult all the Governments interested and consider their objections and suggestions before finalising the scheme. There is no provision for consultation with the Central Government. It is for the Central Government to lay down a broad national policy and every scheme prepared by the Board should fit in with such broad national policy. The Committee, therefore, are of opinion that the Board should consult the Central Government before finalising any scheme. The Committee have, therefore, amended sub-clauses (2) and (5) to make it obligatory on the Board to consult the Central Government before finalising any scheme and also to forward a copy of the approved scheme to the Central Government."-J.C.k.

**16. General powers of Board :-**

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

(a) acquire, hold and dispose of such property both movable and immovable, as it deems necessary;

(b) undertake such preliminary investigation or surveys or other measures as it deems necessary;

(c) inspect or cause to be inspected any works undertaken by any Government interested concerning the regulation or development of the inter-State river or river-valley;

(d) conduct and co-ordinate research on various aspects of the conservation, regulation or utilisation of water resources, such as water-power generation, irrigation, navigation, flood control, soil conservation, land use and connected structural and design features,

(e) collect such topographical, meteorological, hydrological and sub-soil water data as it deems necessary;

(f) publish statistics or other information relating to the various aspects of the regulation or development of the inter-State river or river-valley;

(g) require any Government interested to furnish such information

as the Board may require in relation to-

(i) the measures undertaken by that Government for the regulation or development of the inter-state river or river-valley;

(ii) the topographical, meteorological, hydrological and sub-soil water data;

(iii) such other matters as may be prescribed.

**17. Payment of Board :-**

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

**18. Fund of Board :-**

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

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

**19. Budget :-**

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

**20. Annual report :-**

The Board shall prepare, in such form and at such time each year as may be prescribed, an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the Central Government and the Government interested; and the Central Government shall cause every such report to be laid before both Houses of Parliament. Clause 20.- "The Committee are of the opinion that the annual reports of the Board be placed before Parliament and the clause has been amended accordingly."-J.C.R,

## **21. Accounts and audit :-**

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

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

### CHAPTER 4

#### MISCELLANEOUS

## **22. Arbitration :-**

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

(a) any advice tendered by the Board under this Act;

(b) any measures undertaken by any Government interested in pursuance of any advice tendered by the Board;

(c) the refusal or neglect of any Government interested to undertake any measures in pursuance of any advice tendered by the Board;

(d) the sharing of benefits or financial liabilities arising out of any advice tendered by the Board;

(e) any other matter covered by this Act or touching or arising out of it, any of the Governments interested may, in such form and in such manner as may be prescribed, refer the matter in dispute to arbitration.

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

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

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

(5) Nothing in Arbitration Act, 1940 , shall apply to arbitrations under this section. Arbitration Act, 1940 . should not apply to arbitration proceedings under this Act. The Committee have, therefore, added a new sub-clause (5) to this clause to make such a provision."-J.C.R.

**23. Returns and reports :-**

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

**24. Delegation of powers :-**

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

**25. Members and officers of Board to be public servants :-**

All members and officers of a Board shall, when acting or purporting to act in pursuance of any of the provisions of this Act, be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code, 1860 .

**26. Protection of action taken in good faith :-**

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

**27. Dissolution of Board and transfer of assets and liabilities :-**

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

(2) On the dissolution of the Board by a notification under subsection (1)-

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

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

the said notification.

**28. Power to make rules :-**

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

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

(a) the salaries, allowances and conditions of service of members of the Board:

(b) the matters in respect of which a Board may tender advice to the Governments interested under sub-clause (viii) of clause (a) of section 13 ;

(c) the matters in respect of which the Board may require a Government interested to furnish information-,

(d) the manner in which the Central Government may assist the Governments interested to execute any scheme prepared by the Board;

(e) the form in which, and the time within which, the budget and annual report of the Board may be prepared and forwarded to the Central Government and the Governments interested;

(f) the form and manner in which the accounts of the Board may be maintained, and the time at which, and the manner in which, such accounts may be audited;

(g) the returns and information which the Board may be required to furnish to the Central Government;

(h) the form and manner in which a dispute may be referred to arbitration under this Act;

(i) the procedure to be followed in arbitration proceedings under this Act;

(j) the manner of recruitment of the officers of a Board and the terms and conditions of service of such officers;

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

**1** [(3) Every rule made under this section shall be laid, as soon as

may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.] Arbitration Act, 1940 , will not apply to arbitration proceedings under section 22 . it is necessary to empower the Central Government to frame rules for regulating the procedure in arbitration proceedings under this Act, The Committee have, therefore, inserted a new sub-clause (2)(h) under this clause. The Committee are also of the view that the Central Government should make specific rules for the recruitment of the officers of the Board and that recruitment should not be left to the arbitrary discretion of the Board. The original sub- clause (2)(h) has been renumbered as sub-clause (2)(i) and amended accordingly."-J.C.R.'

1. Substituted by Delegated Legislation Provisions (Amendment) Act (4 of 1986), section 2, Sch. (15-5-86).

## **29. Power to make regulations :-**

**1** [(1)] The Board may, with the previous approval of the Central Government, by notification in the Gazette of India, make regulations, not inconsistent with this Act or the rules made thereunder-

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

(b) regulating the manner in which and the purposes for which, advisory committees may be appointed;

(c) regulating the manner in which and the purposes for which persons may be associated with the Board under section 11 ;

(d) determining the terms and conditions of service of the members of advisory committees, of persons associated with the Board under section 11 and of all officers appointed by the Board.

**1** [(2) Every regulation made under this section shall be laid, as

soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be: so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation.)

1. S. 29 renumbered as sub-section (1) and sub-section (2) inserted thereafter by Delegated Legislation Provisions (Amendment) Act (4 of 1986). section 2, Sch. (15-5-86).