

## **BRAHMAPUTRA BOARD (RESOLVING OF DISPUTES WITH THE STATES) RULES, 1988**

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## **BRAHMAPUTRA BOARD (RESOLVING OF DISPUTES WITH THE STATES) RULES, 1988**

G.S.R. 58, dated the 24th October, 19881.-In exercise of the powers conferred by Cl. (1) of sub-section (2) of Section 28 read with Sec. 23 of the Brahmaputra Board Act, 1980 (46 of 1980), the Central Government hereby makes the following rules, namely:

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

- (1) These regulations may be called the Brahmaputra Board (Resolving of Disputes with the States) Rules, 1988.
- (2) They shall come into force on the date of their publication in the Official Gazette.

### **2. Definitions :-**

- (1) In these regulations, unless the context otherwise requires,-
  - (a) "Act" means the Brahmaputra Board Act, 1980 (46 of 1980).
  - (b) "Board" means the Brahmaputra Board established under Section 4 of the Act.
  - (c) "Dispute" means any dispute that may arise any or may have arisen between the Board and any State Government regarding any matter covered by the Act
  - (d) "Parties to the dispute" means the Board and one or more State Governments with whom the dispute may arise or may have arisen.
- (2) All words and expressions used in these regulations but not

defined shall have the meanings respectively assigned to them in the Act.

**3. Resolving of disputes by negotiations :-**

On receipt of a reference regarding a dispute the Central Government shall call a meeting of the representatives of the concerned State Governments) and/or the Chairman/Vice-Chairman, Brahmaputra Board and shall endeavour to resolve the dispute through negotiations.

**4. Resolving of disputes by conciliation :-**

(1) The Central Government may refer the disputes for conciliation to the Chairman, Central Water Commission, who shall try to conciliate the dispute and shall take all such steps, as he may deem fit, for purposes of enabling the parties to the dispute to come to a settlement

(2) The Conciliator shall complete the task assigned to him within six months from the date of the first meeting but the Central Government may grant suitable extension of time upto a period of six months if a request in that behalf is made by either the

Conciliator or any of the parties to the dispute.

**5. Resolving of disputes by appointing Arbitrator :-**

(1) Notwithstanding anything contained in rule 3 or rule 4, if the Central Government considers whether before initiating action for resolving the dispute by negotiation or conciliation, or at any stage after initiating such action that the dispute is of such a nature that it is necessary or expedient to refer it to arbitration, it shall request the Chief Justice of India for appointment of an Arbitrator under sub-section (3) of Section 23 of the Act for the settlement of this dispute.

(2) The terms and conditions of appointment of the Arbitrator under sub-rule (1) shall be such as may be determined by the Central Government in consultation with the Chief Justice of India.

(3) After the Arbitrator is appointed by the Chief Justice of India under sub-rule (1), the Central Government shall refer the dispute to the Arbitrator in a self-contained note containing, inter-alia, the following information :

(a) The parties to the dispute;

- (b) Specific matter or matters in dispute with full details thereof;
- (c) Any other matter connected with or relevant to the dispute;
- (d) Efforts, if any, made by the parties to the dispute themselves or by the Central Government through the negotiations and/or conciliation as under rule 3 or Section 4 to settle the matter(s) in dispute; and
- (e) The views of the aggrieved party/parties on the matter or matters in dispute.