

## Command Areas Development Act, 1980

### Chapter II - Establishment and Constitution of the Authority

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(1) As soon as may be after the commencement of this Act, the State Government may, by notification, constitute Authority for the development of each Command Area.

(2) The Authority shall be a body corporate by the name "Command Area Development Authority of ....." 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.

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### Section 4 - Composition of the Authority

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(1) The Authority shall consist of the following members, namely:-

(a) ten persons nominated by the State Government of whom one shall be a small farmer, one shall be a person belonging to scheduled castes or scheduled tribes, one shall be an agricultural labourer, and one shall be a rural artisan;

(b) one person nominated by the State Government to represent banks and financial institutions;

1[(c) the Deputy Secretary to Government (Command Area Development Authority), Irrigation Department;]

2[(cc) the Chief Secretaries of the concerned Zilla Parishads;]

(d) the Director of Agriculture3[or his nominee not below the rank of Joint Director of Agriculture;]

(e)3[the Engineer-in-Chief and] the Chief Engineers of the concerned irrigation project or projects;

(f) the Registrar of Co-operative Societies3[or his nominee not below the rank of Joint Registrar of Co-operative Societies];

(g) the Director of Town Planning;

(h) the Commissioner and Secretary to Government, Finance Department;

(i) the Vice-Chancellor of the University of Agricultural Sciences;

(j) the Deputy Commissioners of the concerned revenue districts;

(k) the Administrator appointed under section 11.

(2) The State Government shall appoint,-

(i) one of the members as the Chairman; and

(ii) one of the members or any officer of the Authority as the Secretary of the Authority.

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1. Substituted by Act 44 of 1986 w.e.f. 29.10.1996 and again substituted by Act 32 of 1995 w.e.f. 22.11.1995.
2. Inserted by Act 33 of 1987 w.e.f. 13.11.1987.
3. Inserted by Act 32 of 1995 w.e.f. 22.11.1995.

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## **Section 5 - Disqualification for the membership of the Authority**

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- (1) A person shall be disqualified for being nominated as, and for being, a member,-
  - (a) if he has been convicted and sentenced to imprisonment for an offence which, in the opinion of the State Government, involves moral turpitude; or
  - (b) if he is unsound mind and is so declared by a competent court; or
  - (c) if he is an undischarged insolvent; or
  - (d) if he has been removed or dismissed from the service of the Central Government or the State Government or a Corporation owned or controlled by the Central Government or the State Government or from the membership of the Authority; or
  - (e) if he has directly or indirectly, by himself or by his partner, any share or interest in any work done by the order of the Authority or in any contract or employment with or under or by or on behalf of the Authority; or
  - (f) if he is employed as a legal practitioner on behalf of the Authority or accepts employment as legal practitioner against the Authority.
- (2) A person shall not be disqualified under clause (e) of sub-section (1) or be deemed to have any share or interest in any contract or employment within the meaning of the said clause, by reason only of his having a share or interest in any newspaper in which any advertisement relating to the affairs of the Authority is inserted.

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## **Section 6 - Term of office and conditions of service**

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- (1) Notwithstanding anything contained in section 7, the Chairman and every other nominated member shall hold office during the pleasure of the State Government and their conditions of service shall be such as may be prescribed.
- (2) Subject to the provisions of sub-section (1), the Chairman and every other nominated member shall hold office for three years from the date of nomination, but they shall be eligible for re-nomination.
- (3) The Chairman or any other nominated member may at any time resign his office by a letter of resignation addressed to the State Government:

Provided that the resignation shall not take effect until it is accepted.

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## **Section 7 - Removal of a member**

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- (1) The State Government shall remove the Chairman or a nominated member, if he,-
  - (a) becomes subject to any of the disqualifications specified in section 5; or
  - (b) refuses to act or becomes incapable of acting; or
  - (c) without obtaining leave of absence from the Authority absents from three consecutive meetings of the Authority; or

(d) in the opinion of the State Government has so abused his position as to render his continuance detrimental to the interest of the Authority.

(2) No order of removal of the Chairman or a nominated member under sub-section (1), shall be made unless such member has been given an opportunity of making his representation.

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## **Section 8 - Casual vacancies**

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(1) Any casual vacancy caused by resignation of a member or by any other reason may be filled by the State Government by nomination and the person so nominated shall hold office for the remaining period for which the member in whose place he is nominated would have held office.

(2) No act or proceeding of the Authority shall be invalidated merely by reason of any vacancy in, or any defect in the constitution of the Authority, or any irregularity in the procedure of the Authority not affecting the merits of the case.

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## **Section 9 - Meetings of the Authority**

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(1) The Authority shall meet at least once in three months ordinarily at the office of the Authority, or at such other place within the Command Area as the Chairman may decide and shall, subject to the provisions of sub-sections (2), (3) and (4) observe such rules of procedure in regard to the transaction of business at its meeting as may be provided by regulations.

(2) The Chairman or in his absence any member chosen by the members present from among themselves, shall preside at a meeting of the Authority.

(3) If any member, being the Vice-Chancellor of the Agricultural University, or an officer of the State Government, is unable to attend any meeting of the Authority, he may under intimation to the Chairman, authorise his immediate subordinate officer in writing, to do so.

(4) All questions at a meeting of the Authority shall be decided by a majority of the votes of the members present and voting and in the case of an equality of votes, the Chairman or, in his absence, the member presiding will have a second or casting vote.

(5) Quorum for a meeting of the Authority shall be five.

(6) The Authority may associate with itself in such manner and for such purposes as may be provided by regulations, any person whose assistance or advice it may desire in performing any of its functions under the Act. The person so associated shall have the right to take part in the meetings of the Authority relating to that purpose but shall not be entitled to vote.