

River Boards Act, 1956

Chapter 3 - CHAPTER 3 POWERS AND FUNCTIONS OF THE BOARD

SECTION 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.

SECTION 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"3[by inserting the words "after consultation with the Governments interested".]-J.C.R.

SECTION 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.

SECTION 16: GENERAL POWERS OF BOARDFor 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 invested 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.

SECTION 17: PAYMENT OF BOARDThe 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.

SECTION 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.

SECTION 19: BUDGETThe 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.

SECTION 20: ANNUAL REPORTThe 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,

SECTION 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.