

River Boards Act, 1956

Chapter 4 - CHAPTER 4 MISCELLANEOUS

SECTION 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 the Arbitration Act, 1940-, shall apply to arbitrations under this section Sub-sections (3) and (5).- "The Committee consider that the arbitrator should be free to choose the assessors, whenever he so thinks fit. Choice of the assessors should not depend on the recommendation of the Central Government. They also think that in any arbitration proceeding not less than two assessors should be appointed. Sub-clause (3) has been amended accordingly. The Committee further feel that the 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.

SECTION 23: RETURNS AND REPORTSThe 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.

SECTION 24: DELEGATION OF POWERSThe 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.

SECTION 25: MEMBERS AND OFFICERS OF BOARD TO BE PUBLIC SERVANTSAll 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-

SECTION 26: PROTECTION OF ACTION TAKEN IN GOOD FAITHNo 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.

SECTION 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, after consultation 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 sub-section (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. "Under the existing provision, a Board can be dissolved only when all its functions have actually been performed. The question whether a Board has actually performed all its functions may give rise to disputes and the Committee therefore, are of opinion that this matter should be left to be decided by the Central Government in consultation with the StateGovernments interested. Sub-clause (1) has been amended accordingly."--J.C.R.

SECTION 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.4[(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.]Clause 28. - "As the 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.'

SECTION 29: POWER TO MAKE REGULATIONS5[(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.5[(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.) Central Bare Acts