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## Brahmaputra Board Act, 1980

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The following Act of Parliament received the assent of the President on the 1<sup>st</sup> September, 1980, and is hereby published for general information:-

THE BRAHMAPUTRA BOARD ACT, 1980

NO. 46 OF 1980

(1<sup>st</sup> September, 1980)

An Act to provide for the establishment of a Board for the planning implementation of measures for the control of flood and bank erosion in Brahmaputra Valley and for matters connected therewith.

Be it enacted by Parliament in the Thirty-first year of the Republic of India as follows:

**CHAPTER - I**

**PRELIMINARY**

Short title and commencement. Declaration as to expediency of control by the union	1. (1) This Act may be called the Brahmaputra Board Act, 1980 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. 2. 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 the inter-State Brahmaputra river valley to the extent hereinafter provide.
Definition	1. In this Act, unless the context otherwise requires:- a) "Board" means the Brahmaputra Board established under section 4; b) "Brahmaputra Valley" means the inter-State Brahmaputra river valley as demarcated under section 11; c) "Fund" means the Brahmaputra Board Fund constituted under section 19; d) "Master Plan" means the Master Plan for the control of floods, bank erosion and improvement of drainage in the Brahmaputra Valley prepare under section 12 and includes, where it is prepared in parts, each such part; e) "member" means a member of the Board; f) "prescribed" means prescribed by rules made under this Act; g) "regulations" means regulations made by the Board under this Act; h) "rule" means rules made by the Central Government under this Act; a) "State Government", in relation to a Union Territory, means the administrator thereof appointed under article 239 of the Constitution.

<p>Establishment and Incorporation of the Brahmaputra Board</p>	<p style="text-align: center;"><b>CHAPTER II</b></p> <p style="text-align: center;"><b>ESTABLISHMENT OF THE BOARD</b></p> <p>2. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established for the purposes of this Act a Board, to be called the Brahmaputra Board.</p> <p>(2) The Board shall be a body corporate by the name aforesaid, 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.</p> <p>(3) The Board shall consist of the following members, namely:</p> <p>(a) A Chairman and a Vice-Chairman to be appointed by the Central Government;</p> <p>(b) The General Manager of the Board and the Financial Adviser to the Board, ex officio;</p> <p>(c) A member each to represent respectively the Governments of Assam, Meghalaya, Nagaland, Manipur and Tripura and the Administrations of Arunachal Pradesh and Mizoram, and the North-Eastern Council constituted under section 3 of the North-Eastern Council Act, 1971 to be appointed by the Central Government;</p> <p>(d) A member each to represent respectively the Ministries of the Central Government dealing with agriculture, irrigation, finance, power and transport to be appointed by the Central Government.</p> <p>(e) A member each to represent respectively the Central Water Commission, the Central Electricity Authority, the Geological Survey of India, the India Meteorological Department, to be appointed by the Central Government.</p> <p>(4) If any member, for infirmity or otherwise, is incapable of carrying out his duties or is absent on leave otherwise than in circumstances not involving the vacation of his appointment, the Central Government may appoint another person to act in his place.</p> <p>(5) Any officer of the Central Government, not being a member of the Board, if deputed by the Government in this behalf, shall have the right to attend the meetings of the Board and take part in the proceedings thereof, but shall not be entitled to vote.</p> <p>(6) The Board may associate with itself, in such manner and for such purposes as may be determined by regulations, any person whose assistance or advice it may desire in complying with any of the provisions of this Act and a person so associated shall have the right to take part in the discussions of the Board relevant to the purpose for which he has been associated, but shall not be entitled to vote.</p>
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<p>Conditions of service of members.</p> <p>Powers of Chairman and Vice-Chairman</p> <p>General Manager</p>	<p>(7) No act or proceeding of the Board shall be invalidated merely by reason of -</p> <p>(a) any vacancy in, or any defect in the constitution of, the Board; or</p> <p>(b) any defect in the appointment of the person acting as a member of the Board; or</p> <p>(c) any irregularity in the procedure of the Board not affecting the merits of the case.</p> <p>(8) subject to any rules made under this Act, the Board may constitute a Standing Committee consisting of the General Manager of the Board, Financial Adviser to the Board and three other members of the Board.</p> <p>(9) The Standing Committee constituted under sub-section (8) shall perform, exercise and discharge such of the functions, powers and duties of the Board as may be prescribed or as may be delegated to it by the Board.</p> <p>5. The term of office of the members (other than the ex officio members) and other conditions of service of the members shall be such as may be prescribed.</p> <p>6 (1) The Chairman shall, in addition to presiding over the meetings of the Board, exercise and discharge such powers and duties of the Board as may be delegated to him by the Board and such other powers and duties as may be prescribed.</p> <p>(2) The Vice-Chairman of the Board shall exercise and discharge such of the powers and duties of the Chairman as may be prescribed or as may be delegated to him by the Chairman.</p> <p>7. (1) The Central Government shall appoint the General Manager of the Board.</p> <p>(2) The terms and conditions of service of the General Manager shall be such as may be prescribed.</p> <p>(3) Subject to the general superintendence and control of the Board and the Chairman of the Board, the General Manager shall be the Chief Executive Authority of the Board.</p> <p>(4) The General Manager shall exercise and discharge such of the powers and duties of the Chairman as may be prescribed or, as may be delegated to him by the Chairman, and such other powers and duties as may be prescribed by rules or determined by regulations.</p>
<p>Financial Adviser</p>	<p>8. (1) The Central Government shall appoint the Financial Adviser to the Board.</p> <p>(2) The terms and conditions of service of the Financial Adviser shall be such as may be prescribed.</p>
<p>Chief Engineers, Secretary and other officers</p>	<p>9. (1) The Central Government shall appoint -</p> <p>(a) two Chief Engineers to assist the General Manager of the Board; and</p> <p>(b) the Secretary to the Board;</p> <p>(2) The Board may appoint such other officers and employees as it considers</p>

	<p>necessary for the efficient discharge of its functions under this Act.</p> <p>(3) The terms and conditions of service of the Chief Engineers, the Secretary and other officers and employees of the Board shall be such as may be determined by regulations.</p>
Advisory Committees.	<p>10. Subject to any rules made in this behalf, the Board may from time to time constitute such Advisory Committees as may be necessary for the efficient discharge of its functions.</p>

**CHAPTER III**  
**FUNCTIONS AND POWER OF THE BOARD**

	<b>CHAPTER III</b> <b>FUNCTIONS AND POWER OF THE BOARD</b>
Limits of the Brahmaputra Valley	<p>11. (1) As soon as may be after the commencement of this Act, the Central Government shall by notification in the Official Gazette demarcate the limits of the Brahmaputra Valley for the purpose of this Act.</p> <p>(2) The Board shall perform such of its functions and exercise such of the powers within such areas in the Brahmaputra Valley as the Central Government may, by notification in the Official Gazette specify from time to time.</p> <p>Provided that before issuing any notification in respect of any area under this subsection, the Central Government shall consult the Government of the State within which such area is situated.</p>
Master Plan for the Control of Floods etc. in the Brahmaputra Valley.	<p>12. (1) Subject to the other provisions of this Act and the rules, the Board shall carry out surveys and investigations in the Brahmaputra Valley and prepare a Master Plan for the control of floods and bank erosion and improvement of drainage in the Brahmaputra Valley:</p> <p>Provided that the Board may prepare the Master Plan in part with reference to different areas of the Brahmaputra Valley or with reference to different matters relating to such areas and may as often as it considers necessary so to do, revise the Master Plan or any part thereof.</p> <p>(2) In preparing the Master Plan, the Board shall have regard to the development and utilization of water resources of the Brahmaputra Valley for irrigation, hydro power, navigation and other beneficial purposes and shall, as far as possible, indicate in such plan the works and other measures which may be undertaken for such development.</p> <p>(3) The Master Plan shall be submitted to the Central Government as soon as may be after it has been prepared or, as the case may be revised and the Central Government shall, after consultation with the State Governments concerned, approve the same subject to such modifications as it may deem fit.</p>
Other functions of the Board.	<p>13. (1) The Board shall also -</p> <p>(a) Prepare detailed reports and estimates in respect of the dams and other projects proposed in the Master Plan as approved by the Central Government and indicate in each case the cost attributable to different purposes or uses;</p> <p>(b) Draw up standards and specifications for the construction, operation and maintenance of such dams and other projects;</p>

	<p>(c) Construct, with the approval of the Central Government, multipurpose dams and works connected therewith proposed in the Master Plan as approved by the Central Government and maintain and operate such dams and works;</p> <p>(d) Prepare, in consultation with the State Governments concerned, a phased programme for the construction by the State Government of all dams and other projects proposed in the Master Plan as approved by the Central Government other than those referred to in clause (c);</p> <p>(e) Perform any other function which may be prescribed for the proper implementation of this Act.</p> <p>(f) Perform such other functions as are supplemental, incidental or consequential to the functions specified in section 12 or in clauses (a) to (d), or prescribed under clause (e), of this sub-section.</p> <p>(2) Notwithstanding anything contained in clause (d) of sub section (1), the Board may, with the prior approval of the Central Government, construct any dam or project referred to in that clause if it is satisfied, having regard to the cost of construction, and the expertise required for the construction, of any such dam or project, that it is expedient so to do.</p> <p>(3) The Board may maintain and operate any dam or project referred to in sub-section (2) for so long as it deems if necessary so to do.</p> <p>Explanation - For the purposes of this section, "multipurpose dam" means a dam which is constructed for purpose of flood control and for other purposes.</p>
<p>Conditions subject to which the Board may perform its functions</p>	<p>14. The performance by the Board of the functions specified in or prescribed under, section 12 and 13 shall be subject to the following conditions, namely:</p> <p>(a) No multipurpose dam referred to in clause (c) or sub-section (1) of section 13 shall be constructed by the Board unless the State Government concerned make available the land required for the purpose;</p> <p>(b) No dam or project referred to in clause (d) of sub-section (1) of section 13 shall be constructed by the Board unless the State Governments concerned make available free of cost the land required for its execution and also undertake to take over its maintenance on and from the expiry of such period after its completion as may be specified by the Board;</p> <p>(c) No dam or other works shall undertaken by the Board unless the State Government concerned agree to provide all such assistance as may be required for the construction, operation and maintenance thereof;</p> <p>(d) Such other conditions (including conditions relating to the sharing by the State Government concerned of the whole or any part of cost of dam or other works constructed by the Board) as may be specified by the Central Government by</p>

	<p>general or special order published in the Official Gazette;</p> <p>Provided that before undertaking the construction of any such dam or other works, the Board shall apprise the State Governments concerned of the cost of construction of, and the benefits likely to accrue from, such dam or other works and the proportion in which the State Governments shall share such cost and benefits;</p> <p>Provided further that if the Board the State Governments are unable to agree in respect of the sharing of the cost and benefits of any such dam or other works and Board shall refer the matter to the Central Government for decision and the Central Government shall decide such matter after consulting the State Governments and the decision of the Central Government shall be final.</p>
General powers of the Board	<p>15. (1) Subject to the provision of this Act and the rules, the Board shall have the power to do anything which may be necessary or expedient for the purpose of performing its functions under this Act.</p> <p>(2) Without prejudice to the generality of the provisions of sub-section (1) the Board may</p> <p>(a) Publish statistics or other information relating to various aspects of flood control, bank erosion and drainage in the Brahmaputra valley.</p> <p>(b) Require the State Governments concerned to furnish to it information relating to the measures undertaken by them for the control of floods and bank erosion and improvement of drainage in the Brahmaputra valley, topographical, meteorological and hydrological and other related data and such other information as the Board may require for the performance of its functions under this Act.</p>
Forwarding of, and consultation with respect to plans etc., prepared by the Board.	<p>16. (1) The Board shall forward copies of the Master Plan, reports, estimates, standards and specifications prepared by it to the Central Government and State Government concerned.</p> <p>(2) The Central Government and the State Government concerned may consult the Board with regard to any matters connected with, or arising out of, such plan, reports estimates or standards and specifications.</p> <p>(3) If, for any reason, a State Government considers it necessary to execute any project for the control of floods and bank erosion and drainage work in the Brahmaputra Valley and such project is not envisaged in the Master Plan or such project is intended to be executed by the State Government in a manner not in conformity with the Master Plan, the State Government may consult the Board with regard to the execution of the project and the Board may make such recommendations as it may deem fit:</p>



Provided that nothing containing in this sub-section shall be construed as imposing any requirement on any State Government to consult the Board with regard to the execution of any works which have become urgently necessary by reason of any emergency or other extraordinary circumstances.

**CHAPTER IV**  
**CONTROL BY CENTRAL GOVERNMENT**

Directions and instructions by Central Government.

17. (1) The Central Government may, from time to time, issue to the Board such directions and instruction as it may deem necessary for the efficient administration of this Act and the Board shall carry out such directions and instructions.

(2) In particular and without prejudice to the generality of the provisions of subsection (1), the Central Government may, while granting (whether directly or through the Board and after due appropriation made by Parliament by law in that behalf) any financial assistance, by way of loans or grants for the execution by any State Government of any dam or other project referred to in clause (d) of subsection (1) of section 13 after obtaining the approval of the State Government in this behalf, direct the Board to exercise all such powers as may be necessary for satisfying itself that the works are being executed in accordance with the standards and specifications laid down therefor by the Board.

**CHAPTER V**  
**FINANCE, ACCOUNTS AND AUDIT**

Grants and loans and by Central Government.	18. The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Board such sums of money as the Central Government may consider necessary.
Construction of Brahmaputra Board Fund	19. (1) There shall be constituted a fund to be called the Brahmaputra Board Fund and there shall be credited thereto the sums paid to the Board by the Central Government or by any State Government and all other sums received by the Board. (2) The Fund shall be applied: (a) For meeting the salary, allowances and other remuneration of the members, officers and other employees of the Board and other administrative expenses of the Board; (b) For meeting the expenditure on surveys and investigations undertaken by the Board; (c) For meeting the cost of construction, operation and maintenance of projects undertaken by the Board; (d) For meeting the other expenses of the Board in the discharge of its functions under this Act; and (e) If any sums are received by the Board under sub-section (2) of section 17, for the payment of such sums to the State Governments concerned.
Budget	20. The Board shall prepare, in such form and at such time each year as may be prescribed, its budget for the next financial year, showing the estimated expenditure, the amount of expenditure which any State Government has undertaken to provide for, and forward the same to the Central Government.
Annual report	21. The Board shall prepare, in such form and at such time each year as may be prescribed, its annual report, giving a full account of its activities during the previous year, and forward copies thereof to the Central Government and the Government shall cause the same to be laid before each House of Parliament.
Accounts and Audit	22. The accounts of the Board shall be maintained and audited in such manner as may, in consultation with the Comptroller and Auditor General of India, be prescribed.

**CHAPTER VI**  
**MISCELLANEOUS**

<p>Disputes between the Board and the State Government</p>	<p>32. (1) If any dispute arises between the Board and any State Government regarding any matter covered by this Act or touching or arising out of it, it shall be referred to the Central Government.</p> <p>(2) The Central Government shall endeavour to resolve the dispute by negotiations or conciliation in such manner as may be prescribed.</p> <p>(3) Notwithstanding anything contained in sub-section (2), if the Central Government considers, whether before initiating action for resolving a dispute by negotiations 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, the Central Government shall, in such form and in such manner as may be prescribed, refer the matter in dispute to an arbitrator who shall be appointed by the Chief Justice of India.</p> <p>(4) The arbitrator may appoint two or more persons as assessors to assist him in the proceedings before him.</p> <p>(5) The decision of the arbitrator shall be final and binding on the parties to the dispute and shall be given effect to by them.</p> <p>(6) Nothing in the Arbitration Act, 1940 shall apply to any arbitration under this section.</p>
<p>Removal etc. of member 10 to 1940</p>	<p>24. (1) The Central Government may remove from the Board any member who, in its opinion, -</p> <p>(a) refuse to act,</p> <p>(b) has become incapable to act,</p> <p>(c) has so abused his office as a member so as to render his continuance on the Board detrimental to the interests of the public, or</p> <p>(d) is otherwise unsuitable to continue as a member,</p> <p>(2) The Central Government may suspend any member pending an inquiry against him.</p> <p>(3) No order to removal under this section shall be made unless the member concerned has been given an opportunity to submit his explanation to the Central Government and when such order is passed, the seat of the member removal shall be declared vacant.</p> <p>(4) A member who has been removed under this section shall not be eligible for reappointment as a member or in any capacity under the Board.</p>

	<p>(5) If the Board fails to carry out its functions or directions issued by the Central Government under this Act, the Central Government shall have power to reconstitute the Board.</p>
Power to enter	<p>25. Subject to any rules made in this behalf, any officer of the Board generally or specially authorised by the Board in this behalf, may, at all reasonable times, enter upon any land or premises and there do such things as may be reasonably necessary for the purpose of lawfully carrying out any of its works or of making any survey, examination or investigation, preliminary or incidental to the exercise of powers or the performance of the functions by the Board under this Act.</p> <p>Provided the no such officer shall enter any building or any enclosed court or garden attached to a dwelling house, unless with the consent of the occupier thereof, without previously giving such occupier at least seven days' notice in writing of his intention to do so.</p>
Members, officers and employees of the Board to be Public servants 45 of 1960	<p>26. All members, officers and employees of the Board shall be deemed, when acting or purporting act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal code.</p>
Protection of action taken in good faith	<p>27 (1) No suit, prosecution or other legal proceedings shall lie against the Government or any officer of the Government or any member, officer or employee of the Board for anything which is in good faith done or intended to be done under this Act or the rules or regulations.</p> <p>(2) No suit or other legal proceedings shall lie against the Board for any damage caused, or likely to be caused by anything in good faith done or purposed to be done under this Act or the rules or regulations, and in particular, it shall not be the responsibility of the Board to provide for relief measures necessitated by floods or by breaches and failures of works.</p>
Power to make rules	<p>28. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purpose of this Act.</p> <p>(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:</p> <p>(a) The matters with respect to the standing committee of the Board referred to in sub-sections (8) and (9) of section 4;</p> <p>(b) The terms office of members (other than ex officio members) and other conditions of service of the members of the Board under section 5;</p>

	<ul style="list-style-type: none"> <li>(c) The powers and duties of the Chairman and Vice Chairman under section 6;</li> <li>(d) The terms and conditions of service and the powers and duties of the General Manager under section 7;</li> <li>(e) The terms and conditions of service of the Financial Adviser under section 8;</li> <li>(f) The conditions and restrictions with respect to carrying out surveys and investigations and preparation of a Master Plan under sub-section (1) of section 12 and other matter relating thereto;</li> <li>(g) The additional functions of the board under clause (e) of sub-section (1) of section 13;</li> <li>(h) The conditions and restrictions with respect to the general power of Board under sub-section (1) of section 15 and other matters relating thereto;</li> <li>(i) The form in which, and the time when, the Board shall prepare its budget under section 20 and its annual report under section 21 and the manner in which the accounts of the Board shall be maintained and audited under section 22;</li> <li>(j) The manner in which the Central Government shall endeavour to resolve, under sub section (2) of section 23, the disputes referred to therein and the form and manner in which such disputes may be referred under sub-section (3) of that section, to arbitration.</li> <li>(k) The conditions and restrictions with respect to the exercise of the power to enter under section 25 and other matters relating thereto;</li> <li>(a) Any other matter which is to be, or may be, prescribed, or respect of which provision is to be, or may be, made by rules.</li> </ul>
<p>Power to make regulations.</p>	<p>29. (1) The Board may, with the previous approval of the Central Government by notification in the Official Gazette, make regulations consistent with this Act and the rules generally to carry out the purposes of this Act.</p> <p>(2) In particular and without prejudice to the generality of the foregoing power such regulations may provide for all or any of the following matters, namely:</p> <ul style="list-style-type: none"> <li>(a) The matter in which and the purposes for which, the Board may, associate with itself any person under sub section (6) of section 4;</li> <li>(b) The powers and duties of the General Manager of the Board which may be determined under sub-section (4) of section 7;</li> <li>(c) The terms and conditions of service of the Chief Engineers, the Secretary and other officers and employees of the Board under sub-section (3) of 9;</li> <li>(a) Any other matter in respect of which provision is to be or may be made by regulations.</li> </ul>

<p>Rules and regulation to be laid before parliament.</p>	<p>30. Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House for 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 regulation or both Houses agree that the rule or regulation should not be made, the rule or 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 rule or regulation.</p> <p style="text-align: right;"><b>R.V.S. PERI SASTRI</b> <b>Secy. the Govt. of India.</b></p>
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**MINISTRY OF WATER RESOURCES**

**New Delhi, the 17<sup>th</sup> March 1986**

G.S.R. 278. In exercise of the powers conferred by clause (a) of sub-section (2) of section 29 read with sub-section (6) of section 4 of the Brahmaputra Board Act, 1980 (46 of 1980) and with previous approval of the Central Government, the Brahmaputra Board hereby makes the following regulations, namely:-

1. Short title and commencement

- (0) These regulations may be called the Brahmaputra Board (Association of any person or organization or its representative to assist or advise the Board) Regulations, 1986.
- (0) They shall come into force on the date of their publication in the Official Gazettee.

2. Definitions –

(1) In these regulations, unless the context otherwise requires, -

- ( ) “Act” means the Brahmaputra Board Act, 1980 (46 of 1980)
- ( ) “Regulations” means the Regulation made under Section 29 of the Act.
- ( ) “Chairman” means the Chairman of the Brahmaputra Board.
- ( ) “Secretary” means the Secretary of the Brahmaputra Board.

(0) All words and expressions used in these regulations but not defined shall have the meaning respectively assigned to them in Act.

3. Association of person or organization: The Board may associate or consult any person or expert or an organization or agency or its representative such as Central Water Commission, Central Electricity Authority, Survey of India, Central Water and Power Research Station, Central Soil and Materials Research Station, Department of Environment, Ministry of Science and Technology or such other Governmental Bodies and/or other agencies of any discipline such as River Mechanics and River Morphology, Hydrology, Meteorology, Navigation, Hydro-Power Generation, Power Transmission, Socio-Economics, Geology, Seismology, Ecology, Remote Sensing etc. when it is considered necessary that the participation of such a person or an organization or its representative for study or examination or advice in matters that would contribute in initiating, expediting or improving the performance of the responsibilities and functions assigned to the Board under the Act.
4. Request of permission: Where the need to associate such a person or organization or its representative is approved by the Chairman a request to this effect shall be made by the Secretary in writing to the head of the organization to permit the representative of the organization to associate with the work of the Board.



5. Conditions of participation: Such a person or organization or its representative may, if necessary, be invited to the meeting of the Board when the specific item relevant to the purpose for which his association is sought is under discussion before the Board and such a person shall be entitled to associate to the limited extent of participating in the discussions on the relevant item only and shall not be entitled to vote.
6. Remuneration or allowances: The person or organization or its representative would be entitled to remuneration or allowances as may be prescribed by the Board.

[No.30/11/82 FC]  
K.U. TIRTHANI, Dy. Secy.

**MINISTRY OF WATER RESOURCES**

**NOTIFICATION**

New Delhi, the 24<sup>th</sup> October, 1998

G.S.R. 58. In exercise of the powers conferred by clause (i) of sub-section (2) of section 28 read with sub-section 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 rules may be called the Brahmaputra Board (Resolving of Disputes with States) Rules, 1998.
- (2) They shall come into force on the date of their publication in the Official Gazettee.

2. Definitions –

(1) In these rules, unless the context otherwise requires, -

- ( ) “Act” means the Brahmaputra Board Act, 1980 (46 of 1980)
- ( ) “Board” means the Brahmaputra Board established under section 4 of the Act.
- ( ) “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.
- ( ) “Parties to the dispute” means the Board and one or more State Governments with whom the dispute may arise or may have arisen.
- (0) The words and expressions used and not defined but defined in the Act shall have the meaning 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(s) 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 for 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 rules 3 or 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:-
  - ( ) The parties to the dispute;
  - ( ) Specific matter or matters in dispute with full details thereof;
  - ( ) Any other matter connected with or relevant to the dispute;
  - ( ) Efforts, if any, made by the parties to the dispute themselves or by the Central Government through the negotiations and/or conciliation as under rules 3 and 4 to settle the matter(s) in dispute; and
  - ( ) The views of the aggrieved party/parties on the matter or matters in dispute.

[No.30/12/82 FC]  
LAKSHMI CHAND, Jt. Secy.

**MINISTRY OF WATER RESOURCES**

(E.R. Wing)  
New Delhi, the 2<sup>nd</sup> November, 1993

**NOTIFICATION**

G.S.R. 565. In exercise of the powers conferred by section 29 of the Brahmaputra Board Act, 1980 (46 of 1980) read with rules 10,14 and 16 of the Brahmaputra Board Rules, 1981, the Brahmaputra Board, with the previous approval of the Central Government, hereby makes the following regulation, namely:-

0. Short title and commencement:

- (1) These regulations may be called the Brahmaputra Board (Powers and Duties of the General Manager) Regulations, 1993.
- (2) They shall come into force on the date of their publication in Official Gazette.

0. Definition:

- (1) In these regulations unless the context otherwise requires:
  - ( ) “Act” means the Brahmaputra Board Act, 1980 (46 of 1980).
  - ( ) “Chairman” means the Chairman of the Brahmaputra Board.
- (2) The words and expressions used in these regulations but not defined shall have the same meaning respectively as assigned to them in the Act.

0. Responsibilities of the General Manager. The General Manager shall,-

- (1) be responsible to the Chairman for general administration of the Brahmaputra Board'
- (2) help and assist the Audit Officers in enforcing the rules framed under the Act for disbursement of money receipt of revenue, custody for stores, upkeep and regular submission of accounts to the Board.
- (3) subject to overall control by the Board, exercise general supervision of all activities of the Board as assigned to it by the Chairman, and shall apprise the progress of works to the Board through the Chairman from time to time;
- (4) subject to the provisions of rule 16 of the Brahmaputra Board Rules, 1981, be responsible to administer the grant of proper disbursement of budgetary provisions to various units of the Board and oversee the progress of expenditure and see that the grant is properly utilized in conformity with the provisions of the Brahmaputra Board Rules, 1981;

- (5) exercise full technical and supervisory control over the Chief Engineers and all other officers subordinate to him in his office;
- (6) exercise such of the powers, including financial and disciplinary powers delegated to him by the Board from time to time;
- (7) recommend in writing to the Chairman for transfer and posting of Chief Engineers, Deputy Chief Engineers, Superintending Engineers as may be found necessary in the interest of working of the Board;
- (8) exercise powers of transfer and posting of Group "A" employees upto the level of Executive Engineers in the interest of working of the Board; and
- (9) exercise powers of transfer and posting for Group "B", "C" and "D" employees in the interest of working of the Board.

[No.23/17/90-JRC/ER/1635]  
HARBHAGWAN KHETWANI, Under Secy.

**EXTRACT FROM THE GAZETTE OF INDIA: PART-II, - SEC.3 SUB. SEC – (i)**  
**Appearing on Page No.583-584**  
**Dated 2-3-96**

**MINISTRY OF WATER RESOURCES**

(E.R. Wing)  
New Delhi, the 16<sup>th</sup> February, 1996

G.S.R.112. In exercise of the powers conferred by sub-section (2) of Section 28 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 rules may be called the Brahmaputra Board (Standing Committee Rules, 1996).

(2) They shall come into force on the date of their publication in the Official Gazette.

0. Definition: In these rules, unless the context otherwise requires:-

( ) “Act” means the Brahmaputra Board Act, 1980 (46 of 1980);

( ) “Board” means the Brahmaputra Board established under Section 4 of the Act;

( ) “Master Plans” means Master Plans prepared by the Brahmaputra Board;

( ) “Chairman” means the Chairman of the Brahmaputra Board;

( ) “Vice Chairman” means the Vice Chairman of the Brahmaputra Board;

( ) “General Manager” means the General Manager of the Board;

( ) “Financial Adviser” means the Financial Adviser of the Board;

( ) “Member” means Member, Central Water Commission;

( ) “Secretary to the Government of Assam” means the Secretary to the Government of Assam, Flood Control Department.

0. All works and expressions used in these rules but not defined shall have the meaning respectively assigned to them in the Act.

0. Composition of the Standing Committee. The Standing Committee shall consist of :-

(1) Chairman/Vice Chairman of the Board - Chairman

(2) Member, Central Water Commissioner - Member

(3) Financial Adviser - member

(4) Secretary to the Govt. of Assam - Member

(5) General Manager - member (Convener)

0. Duties, powers and functions of the Standing Committee: The Standing Committee shall :-

- ( ) examine the annual Action Plan of the proposed survey and investigations prepared by the Board vis-à-vis budget allocation for every financial year and advise the Board to take action appropriately.
- ( ) Advice the Board on various investigations and studies to be taken up for the preparation of master plans, multipurpose projects, drainage development schemes and other works as decided by the Board.
- ( ) Decide the priority works to be taken up by the Brahmaputra Board under the framework of the Board.
- ( ) Indicate time frame for such studies, investigations or works as referred to in (b) and (c) above.
- ( ) Decisions/approval of the Standing Committee shall be placed before the Board in its immediate next meeting for its ratification.
- ( ) Exercise financial powers and delegate financial powers to the various executive functionaries in the field offices of the Board for carrying out their day-to-day activity.

[No.23/4/95-ER]  
HARBHAGWAN KHETWANI, Under Secy.

**EXTRACT FROM THE GAZETTE OF INDIA: PART-II, - SEC.3 SUB. SEC – (i)**  
**Appearing on Page No.438-439**  
**Dated 21-3-1992**

**MINISTRY OF WATER RESOURCES**

(E.R. Wing)  
New Delhi, the 6<sup>th</sup> March 1992

G.S.R.143 – In exercise of the powers conferred by the provisions of Section 28 of the Brahmaputra Board Act, 1980 (46 of 1980), the Central Government hereby makes the following rules further in amend the Brahmaputra Board Rules, 1981, namely :-

0. Short title and commencement:

- (1) These rules may be called the Brahmaputra Board (Amendment) Rules, 1992.
- (2) They shall come into force on the date of their publication in the Official Gazette.

0. In rule 16 of the Brahmaputra Board Rules, 1981 in sub-rule (3) in clause (iii) for the entries matter the heading “sub-head”, the following entries be submitted namely:-

- ( ) Salaries
- ( ) Wages
- ( ) Contributions to Contributory Provident Fund
- ( ) Travel Expenses
- ( ) Medical Expenses
- ( ) Rent, Rates and Taxes
- ( ) Office Expenses
- ( ) Payment for Professional and Special Services
- ( ) Publication
- ( ) Training
- ( ) Pensions/Gratuities
- ( ) Loans and Advances
- ( ) Maintenance
- ( ) Land
- ( ) Building
- ( ) Machinery and Equipments
- ( ) Motor Vehicles
- ( ) Works
- ( ) Suspense
- ( ) Depreciation
- ( ) Other Expenses

[No.23/25/91-RC/ER]  
HARBHAGWAN KHETWANI, Under Secy.



**EXTRACT FROM THE GAZETTE OF INDIA: PART-II, - SEC.3 SUB. SEC – (i)**  
**Appearing on Page No.1740**  
**Dated 24-10-92**

**MINISTRY OF WATER RESOURCES**

(E.R. Wing)  
NOTIFICATION  
New Delhi, the 6<sup>th</sup> March 1992

G.S.R.476 – In exercise of the powers conferred by sub-section (i) of section 28 of the Brahmaputra Board Act, 1980 (46 of 1980), the Central Government hereby makes the following amendment further to amend the Brahmaputra Board Rules, 1981, namely :-

1. (1) These rules may be called the Brahmaputra Board (Section Amendment) Rules, 1992.  
  
(2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Brahmaputra Board Rules, 1981, for sub-rules (1) of rule 7, the following sub-rule shall be substituted namely:-  
  
(1) “ Eight members, having at least one representative from the Ministry of Water Resources and two representatives from any of the member. State shall form a quorum at a meeting of the Board”.

[No.23/17/91-JRC/ER/1639]

HARBHAGWAN KHETWANI, Under Secy.

Foot note: The principal rules were published, vide GSR No.677(E), dated 28-12-1981, and subsequently Amended from time to time – the last time these rules Were amended, vide GSR No.143, dated 6-3-1992.