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**Ministry of Water Resources  
Government of India**

**Report of the Committee to study the  
activities that are required for optimal  
development of a river basin and changes  
required in the existing  
River Board Act, 1956 for achievement of the same**

**November, 2012  
New Delhi**



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**November, 2012  
New Delhi**

Justice Tejinder Singh Doabia (Retd.)

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Dear Shri *Rawat ji*

I have the privilege and honour to present the Report of the Committee constituted *to study the activities that are required for optimal development of river basins and changes required in the existing River Board Act, 1956 for achievement of the same*, constituted by the Ministry of Water Resources under my Chairmanship. The Report consists of the draft Act which is to provide for the establishment of River Basin Authority for the regulation and development of Inter-State Rivers and River Basins. This has been prepared on the basis of deliberations and in depth study and analysis made by the Committee.

While the Committee has endeavored to consider all aspects of the management of a river basin in the present socio-political environment of the country, I venture to suggest the Report may be made public by way of placing it on MoWR's website to enable wider discussion on the recommendations of the Committee.

Yours Sincerely



Justice T.S. Doabia (Retd.)

Hon'ble Shri Harish Rawat  
Minister (Water Resources)  
Government of India  
New Delhi

## ACKNOWLEDGEMENT

I am thankful for the opportunity provided to me to examine the River Board Act, 1956 and suggest ways and means to bring the Act to meet the needs of the 21st Century.

I must thank Shri S. Manoharan, former Special Secretary, Ministry of Water Resources, Shri M. Gopalakrishna, former Member, Central Water Commission, Shri B.P. Das, former Engineer in Chief, Water Resources Department, Government of Orissa; Shri S.G. Bhogle, Ex-DG, Water and Land Management Institute (WALMI), Aurangabad and Shri Videh Upadhaya, Legal Consultant and Specialist on Development and Natural Resources Law. Each of the members referred to above, are specialist in their fields and particularly in the subject to Water Resources. They have rich experience of problems which are required to be taken care of and to see that the water resources of this country are augmented and preserved. They have been working in India and abroad and consequently I was able to draw support from them and make use of their field and academic experience on the subject.

I acknowledge the contribution made by the officials of the Water Resources Ministry and particularly of Shri Rajesh Kumar, Member (WP&P), CWC, Shri A.B. Pandya, DG, NWDA, Shri Pradeep Kumar, Commissioner (PR), MoWR, Shri B.P. Pandey, Director, ISM Dte, CWC, Shri S.K. Sinha, Director, NWP Dte, Shri S.K. Gangwar, SJC (BM), MoWR, Shri Asit Chaturvedi, DC (BM), MoWR, Shri Shekharendu Jha, Dy. Director, NWP Dte.



Justice T.S. Doabia

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## PROCEEDINGS

The Committee appointed to have an independent study for regulation and development of Inter State River Disputes held ten meetings. The issues were discussed thread bare.

During the course of meetings, Shri G Mohan Kumar, Additional Secretary (WR) explained the constitutional provisions regarding Entry 56 as well as Entry 17 under State List. He briefly outlined the issues in the water sector and mentioned various schemes being implemented by the Ministry of Water Resources such as Accelerated Irrigation Benefits Programme (AIBP), RRR of Water Bodies, etc. Referring to the issue of inter-State river water disputes and dispute resolution mechanism in the form of Inter State River Water Disputes Act 1956, it was mentioned that the number of disputes have been increasing and time taken to complete the work by the Tribunals is also increasing. Though many Boards such as Tungbhadra Board, Upper Yamuna Board, Bhakhra Beas Board, Brahmaputra Board etc. have been established but these have not been established under the provisions of River Boards Act, 1956. It was observed that Brahmaputra Board Act has been enacted under entry 56 of the Constitution.

The issues relating to uneven spatial and temporal distribution of water were discussed. It was mentioned that the situation has reached where Country is headed towards water-stress due to increase in population and uneven spatial and temporal distribution of water. Further, there is lack of proper water management. Therefore, a framework is required for optimal planning, development and management of surface as well as ground water. Accordingly this Group has been constituted to study and suggest the activities that are required for optimal Planning, Development and Management of Water Resources of River Basin as a unit and suggest appropriate legal framework.

Additional Secretary (WR) also highlighted the provisions and spirit of River Boards Act, 1956 which requires constitution of Boards in consultation with the interested States. However, States have not come forward for the constitution of River Boards and the entire Act is languishing. He mentioned that Government of India plays a significant role in technically and economically viable planning for development of water resources. He also mentioned the concerns of efficiency and improper distribution of water and suggested that some common denominator has to be developed which would be adopted as basis at national level for preparation of river basin plans by the concerned River Basin Organizations's (RBOs). The Committee has to look at all these issues.

After this brief background, a presentation was made by Shri Rajesh Kumar, Member (WP&P), CWC on the agenda of the meeting i.e. "to discuss the present difficulties in the water resources sector in the country and decide future course of action to achieve the goals as per the terms of reference of the Committee".

In his presentation, Member (WP&P) made following points:

- Highlighted various challenges in the water sector;
- Elaborated the efforts made for setting up of River Boards Organizations (RBOs) in the past.
- Opined that the composition of River Basin Organizations suggested in the earlier Committee constituted under the chairmanship of Additional Secretary WR),

Ministry of Water Resources in 2003 is unwieldy, and needs to be drastically trimmed.

- Opined that the two concepts – River Boards and River Basin Organizations, are actually one and the same, but these two names are needlessly causing confusion, maintaining two parallel streams of discussion, and only one may be retained. Since River Boards are backed by an Act, the concept of River Board may be retained.
- He suggested that River Boards must have decisive powers and merely advisory role as suggested in the River Boards Act has not served any purpose.

Shri B. P. Das, former Engineer-in-Chief, Water Resources Department, Government of Odisha mentioned that per capita water availability is decreasing as the demand is increasing. He categorized needs of water into;

(1) Water for food/agriculture,

(2) Water for people/industry/drinking,

(3) Water for environment.

Agriculture is the main user of water. This is to the tune of 80%. The demand for ecology has not been quantified earlier. He stressed the need for quantification of the water demand for ecology and quantity of water to be reserved in basins for this main use. He also stressed upon the need of water for riparian States to be segregated from earlier indicated three needs of water. He also insisted for quantification of real need of water scenario for next 10, 20, 30 and 50 years. This has to be chalked out depending upon need.

Member (WP&P) clarified that whether environmental flow is important or not is not the issue before the Committee. The terms of references of the Committee are to suggest legal framework that would enable creation of appropriate River Board or River Basin Organizations. It is for the River Board/ River Basin Organizations to decide about environmental flow

Shri Bhogle, former DG, WALMI mentioned that a National Water Policy has been prepared however it does not mention that States need to come up with their own State Water Policy. He mentioned that the present River Boards Act was enacted in the year 1956. Instead of amending the same, it would be appropriate to scrap the existing River Boards Act and introduce a new Act. In the earliest meeting it was felt that this may take more time but it was stressed that reforms are always rewarding. He also mentioned that data availability has become a bottleneck in taking timely decision and provision for data sharing and transparency should be incorporated in the Act. Reliable estimates of available water as well as water delivered to the end user are very essential in effective planning. He further mentioned that making law may not be sufficient for effective implementation of IWRM. Now, everyone is stakeholder and efforts need to be made to make stakeholders aware of their rights and responsibilities for which massive awareness programme is a must.



Mr. Videh Upadhyay mentioned that amendment to the River Boards Act, 1956 was discussed in the 13th meeting of National Water Board held in 2009 and the Study Group can begin the examination with the said proposed amendments. He mentioned that Maharashtra has experience in establishing water regulatory authorities. Further, Uttar Pradesh has established Water Regulatory Commission and their experience can be useful for the Group.

Additional Secretary (WR) opined that there are many instances where States do not have water sharing agreement and they are free to take up any water resources project unless stopped by the Tribunal/Courts. Various projects have been executed by State Governments without going into details of need of water in the area. There is a dire need of development of a Master Plan for Water Resources Development which needs to have a statutory backing which makes it obligatory in some of the part of States.

Chairman, Study Group remarked that there is need to make certain things obligatory. The public should be made aware of it so that things come from grass root level instead of coming from top. They should force their Legislature to high light their requirements. It was suggested to examine River Boards Act of other countries in this regard.

Initially the issue pertaining to the amendments required in the River Boards Act, 1956 was gone into. To begin with efforts were made to see as to how the existing River Boards Act could be amended to present according to the present day need. However, it was found that the entire concept may have to be given a fresh look and ultimately it was decided that instead of doing patch work it would be apt to have an entirely new Act which may deal with the concept of Basin, Basin States, Sub-basin and also for the constitution of River Basin Authorities. This aspect of the matter has been deliberated for number of days, though with gaps, yet it has been possible to bring out a document which would serve the needs of the present day and needs of future generations. The proposed Act contemplates a River Basin Authority having a two-tier system. There is a Governing Council and there is an Executive Board. This would meet and satisfy the aspirations and needs of River Basin States. The proposed Legislation contemplates, giving of authority to a Governing Council which would be presided by a Chief Minister. 12 Inter-State River Basins have been indicated. It also deals with River Basin Master Plan.

A suggestion was given for the constitution of National River Basin Authority which could have an advisory role. However, the view expressed was that this may be regarded as an interference by the States in their rights. The subject matter of inter-linking was sought to be dealt with but was not done because the various States on the establishment of River Basin Authority can deliberate on the various issues. They can decide as to how the rivers falling within their basins are to be inter-linked. In the alternative, there can be a separate legislation for this purpose.

A perusal of the proposed Draft River Basin Management Bill, 2012 in Section 2 has defined several new concepts such as what is meant by basin, basin State, sub-basin.



**Part III** of the proposed Legislation deals with the principles governing River Basin Development, Management and Regulation. The objective is there should be equitable and sustainable utilization of water. In this regard, the participation of basin States and their co-operation is a must. This aspect of the matter has been dealt with in Part III. There has to be an integrated management. The concept of water as a common community resource has been formulated.

The concept of River Basins and Inter-State River Basins find mention in **Part IV** of the proposed legislation.

The establishment of River Basin Authority is contemplated in **Part V**. It is proposed to have two tier system for the Management of River Basin Authority. A Governing Council with Chief Minister at the head is contemplated. As to how and which of the Chief Minister is to be the Chairman has been deliberated upon. Elaborate provision has been made to satisfy the aspirations of all States who will be part of the River Basin Authority.

There is a separate entity known as a Executive Board. For this, prominent role has been given the Central Water Commission of the Government of India. This organization has existed for several decades. The experience acquired by this organization can well be utilized by the River Basin Authorities. All efforts have been made to see that the executive boards will also be broad-based.

**Part VI** of the proposed legislation deals with River Basin Master Plan. This is a comprehensive provision which would lead to the development, management and regulation of inter-State River Basins.

The powers and functions of the River Basin Authority has been indicated in detail. The functions of the Executive Board have been elaborated. These are found in Part VII of the proposed legislation.

For the efficient discharge of the functions, a provision has been made in Section 20 of the proposed legislation. The issue of problem of rivers being polluted with sewage and other pollutants is on the increase. For this, a provision has been made while dealing with the functions of the Governing Council.

The recommendations made by the River Basin Authority have been made binding upon the Governments who fall within a particular River Basin Authority.

For dispute resolution, a provision has been incorporated to see that the parties come to a settlement through persuasion, reconciliation and mediation. These mechanisms have been provided in Section 22 for the proposed Legislation.

The incidental matters i.e. as to how funds are to be utilized and other ancillary matters are to be regulated have also been provided for.

In a nutshell, an effort has been made to provide for River Basin Authority which would arrive at decisions with consensus and once that decision has been arrived at then it will be binding on all the participating States

The Inter State River Basins have been indicated in **Schedule 1**. The elements of River Basin Master Plan have been indicated in **Schedule 2**.

It is hoped that this legislation would meet the needs of the present and also of future generations.

## STATEMENT OF OBJECTS AND REASONS

The legal framework for constituting an Inter-State River Basin Organization is contained within the Constitution of India itself. The Constitution of India has vested powers in the Parliament for the “Regulation and Development of Inter State Rivers and River Valleys to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest” by virtue of Entry 56 of List I of the Seventh Schedule to Article 246 of the Constitution. It was in pursuance of this power that the Parliament had enacted the River Boards Act, 1956 (Act 49 of 1956). However, no single River Board has been constituted under this Act.

The States have not responded to virtually legal space for River Boards created under the River Boards Act, 1956. This show that the Act has fallen into disuse. This is largely due to the fact that in Section 4(1) of the Act, the exercise of power of the Government of India to establish a River Board was dependent on a request being received from the State Government. The ground reality is that no State Government ever made a request under the said section of the River Boards Act, 1956.

The River Boards Act, 1956 does not provide for any river basin planning. In fact integrated planning, development and management of water resources of the River Basin were not contemplated at the time of enactment of the River Boards Act, 1956. The common accepted term for institutions like the River Boards today is River Basin Authority whereas the word ‘basin’ is important as it is the hydrological unit that underpins the institution. It is instructive to note that even the term ‘Basin’ does not figure under the River Boards Act, 1956. Today a legal foundation for a River Basin Development and Management Plan for Inter–State River Basins is needed. This requires that a new legal framework for regulation and development of Inter–State Rivers and River Basins be put in place. This legal framework is provided by the River Basin Management Bill, 2012.

The River Boards Act, 1956 as it stands today contains few definitions. As mentioned above term like ‘Basin’ has not been defined by the Act, 1956. However, over the period of time the terms “Valley” and “Basin” have been used co-terminus with each other. It is in this context the term “Basin” has been used in this Act. The basin includes river valley and tributaries as is being used in Damodar Valley Act, 1948. Under the Draft River Basin Management Bill, 2012 comprehensive new section on definitions have been provided. The terms like Basin, Sub-Basin, Integrated River Basin Management and River Basin Master Plan have also defined. Other additional definitions have also incorporated.

A substantial body of principles in international and comparative law today informs river basin management experience across the Globe. It has been thought apt to put in some

key principles in the text of the law to provide them requisite legal footing. This is more so as it may help evolve over time a common approach amongst different States of India on management of Inter-State Rivers. These principles help to explain the philosophy and rationale of the law and provide guidance to the River Basin Authorities in performing their powers and functions under the Act.

The Draft River Basin Management Bill, 2012 establishes a River Basin Authority for regulation and development of waters of an Inter-State River Basin or any specified part thereof and further makes it clear that different Authorities shall be established for different Inter-State River Basin. The Bill also makes provision for creation of a separate River Basin Authority for a sub-basin within an Inter-State River Basin.

The Bill proposes a two-tier structure for a River Basin Authority. Every River Basin Authority would consist of an upper layer being a Governing Council and a lower layer being the Executive Board charged with the technical and implementation powers for the Council decisions. The Governing Council has extensive membership and representation including Chief Ministers of the co-basin States, the Minister in charge of Water Resources, One Member of Parliament, One Member of the State Legislature, Two representatives of District Panchayat, the Chief Secretary to the State Government, One representative from the Water User Associations, One representative from the Urban Local Bodies / Municipalities and least five experts including eminent citizens. Likewise the Executive Board has also been given a broad base membership under the Bill.

A legal foundation for a River Basin Master Plan for Inter-State River Basins can help to achieve the protection, improvement and sustainable use of the water environment across the basin. Such a River Basin Master Plan can be the singular guiding tool and basis for the River Basin Authorities to perform their duties and functions under the Act. The formulation and implementation of the River Basin Master Plan can potentially make all water use and land uses in the Inter-State Basin compatible with the principles of integrated river basin management. The Draft River Basin Management Bill, 2012 thus provides that a River Basin Authority shall ensure that a River Basin Master Plan is produced for the Inter-State River Basin under its jurisdiction. Besides, the key elements of such a River Basin Master Plan have been elaborated in Schedule II of the Bill. The Bill further makes it clear that the River Basin Master Plan shall be coordinated with the plans for national economic and social development, the general plans for land use and general urban plans and plans for environmental protection, and at the same time the needs of various regions and industries shall be taken into consideration.

A separate Chapter of the Bill vests wide range of powers and functions to both the Governing Council and the Executive Board of the River Basin Authority. The powers of the Governing Council include the powers to approve the River Basin Master Plan; to take steps to enable the basin States to come to an agreement for implementation of approved Master Plan; to make recommendations to 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, amongst others. The powers of the Executive Board include the powers to prepare the River Basin Master Plan for the Inter-State River Basin and Schemes under it. The Executive Board is also mandated to conduct a

comprehensive scientific survey, investigation and assessment of water resources both for formulation of river basin management plan and for ensuring compliance of the plan, amongst other functions.

The Draft River Basin Management Bill, 2012 also provide that where any dispute or difference arises between two or more Governments interested with respect to any recommendation given by the River Basin Authority or the refusal or neglect of any Government interested to undertake any measures in pursuance of the River Basin Master Plan or Schemes, amongst other things, the Governing Council of the concerned River Basin Authority shall follow persuasion, conciliation and mediation as means to resolve disputes. The Bill empowers the Governing Council to require the Governments interested to adduce all facts and evidence as, in its opinion, may be necessary for the determination of disputes.

Every River Basin Authority under the Bill shall have its own funds and Budget and is also required to prepare an Annual Report that is to be laid before both Houses of Parliament. While the Bill provides for power to the Central Government to give directions and to make Rules for effective implementation of the provisions of the Bill, it also empowers every River Basin Authority to make regulations for discharging its powers and functions under the Bill.

# **THE Draft RIVER BASIN MANAGEMENT BILL, 2012**

*A Bill further to amend the River Boards Act, 1956 to provide for the establishment of River Basin Authority for the regulation and development of Inter-State Rivers and River Basins*

## **CHAPTER I PRELIMINARY**

WHEREAS with the increasing population a need has been felt to have better management of water resources for domestic, agricultural industrial and environmental needs;

AND WHEREAS it has been felt that the present day problems should be resolved by the States through which the rivers flow with the least interference from those who have nothing to do with the river systems;

AND WHEREAS numbers of judgments have been given by the Supreme Court of India calling upon the States to conserve and preserve water resources

AND WHEREAS the Supreme Court of India in M K Balakrishnan Vs. Union of India, AIR 2009 (Supp.)1916, noticed the acute shortage of water and the decline in ground water level directed the formation of a committee to have research work on a war footing.;

AND WHEREAS similar opinion was expressed in State of Orissa Vs. Union of India, JT 2009 SC 233.

AND WHEREAS it was felt that the existing legislation was not adequate in meeting the aspirations of the States, it has been felt to have a new legislation which would enable the States which share river basins.

- 1. Short Title and extent.** (1) This Act may be called the River Basin Management Act, 2012.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
- (3) 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 inter-State rivers and river valleys to the extent hereinafter provided.

## **CHAPTER II**

### **DEFINITIONS**

**2. Definitions.** In this Act, unless the context otherwise requires,

- (a) “Aquifer” means a geological formation under the surface of the earth which absorbs, stores and transmits water
- (b) “Authority” means a River Basin Authority established under Section 11 of this Act;
- (c) “Basin” means the territory delineated by the boundaries of drainage areas of surface and sub-surface water flowing into the river;
- (d) “Basin State” is a State, the territory of which includes any portion of an inter-State river basin;
- (e) “Sub-Basin” means a hydrologic unit or hydrologic sub-unit of a river basin and may be divided into further smaller units for technical and /or administrative convenience and meaning of term “Basin” shall stand extended to such smaller units within a ‘Basin’ or “Sub-Basin”;
- (f) “Board” means Executive Board;
- (g) “Executive Board”, in relation to an Authority, means a Board established under Section 15 of this Act;
- (h) “Governments interested”, in relation to an Authority, means the Governments of those co-basin States which, in the opinion of the Central Government, are likely to be interested in, or affected by, the functions of the Authority under this Act;
- (i) “Governing Council”, in relation to an Authority, means a Council established under Section 13 of this Act;
- (j) “Inter-State river basin” means a river basin extending over two or more States;
- (k) “Integrated River Basin Management (IRBM)” means a process which promotes the coordinated development and the management of water, land and related resources in a river basin, in order to maximize the river basin’s resultant economic and social welfare in an equitable manner without compromising the sustainability of vital ecosystems
- (l) “Prescribed” means prescribed by rules made under this Act;
- (m) “Regulation and development of inter-State river and river valley” means regulation and development of water resources of the river basin;
- (n) “River Basin Authority” means River Basin Authority established under Section 11 of this Act;



- (o) “River Basin Master Plan” means a river basin development, management and regulation plan, serving as the central focal point for all the outcome of Integrated River Basin Management and shall include all the components as laid down in Section 16 of this Act;

### **CHAPTER III**

#### **PRINCIPLES GOVERNING RIVER BASIN DEVELOPMENT, MANAGEMENT AND REGULATION**

- 3. Participation.** Basin States shall have the right to participate in the development, management and regulation of waters of an inter-State river basin in an equitable and sustainable manner. In case any basin State fails to participate in the regulation, development and management then the decision of the remaining States shall be binding on all participating and non-participating States.
- 4. Cooperation.** Basin States shall participate and cooperate in best interest of the nation, in the development, management and regulation of waters of inter-State river basin for the mutual benefit of the basin States and the Indian Union.
- 5. Equitable and Sustainable Utilisation of water.** (1) Basin States shall in their respective territories develop, manage and regulate the waters of an inter-State river basin in an equitable and sustainable manner.

(2) In particular and without prejudice to the generality of the foregoing, the basin States shall develop, manage and use the waters of the basin in order to attain the optimal and sustainable use thereof, and derive benefits therefrom, taking into account the interests of all basin States, consistent with adequate protection of quality of water.

Provided that the optimal and sustainable use of waters within a river basin shall be ensured, with due regard to the present and reasonable future needs.

Provided further that the determination of optimal utilisation of waters and adequate river flows shall be reasonably ensured in the River Basin Master Plan, as shall be made by the concerned River Basin Authority in terms of this Act.

- 6. Conjunctive Management.** Basin States shall make their best efforts to manage surface water, groundwater, and other pertinent waters in a unified and comprehensive

manner with due regard to the relationship between the river-basin or sub-basin and the aquifer.

**7. Integrated Management.** (1) States shall make their best efforts to integrate appropriately the management of waters with the management of all resources

(2) Every water-related activity in any part of a river-basin, or a sub-basin of a large basin including any water resources project(s) proposed at the river basin or a sub-basin level by the concerned entity shall be undertaken with due regard to

- (a) the hydrological and ecological characteristics and features of the basin or sub-basin as a whole;
- (b) the land-use appropriate to the relevant area;
- (c) the relationship between surface water and groundwater, and
- (d) the interlinkages between water quality and quantity consistent with broader environmental management approaches
- (e) a holistic view of the relationships of all such activities with one another and with the basin or sub-basin as a whole.

**8. Water as a Common Pool Community Resource:** Water needs to be managed as a common pool community resource held, by the state, under public trust doctrine to achieve food security, support livelihood, and ensure equitable and sustainable development for all.

**9. Demand Management:** The demand management of water needs to be given priority, especially through (a) evolving an agricultural system which economizes on water use and maximizes value from water, and (b) bringing in maximum efficiency in use of water and avoiding wastages.

## **CHAPTER IV**

### **INTER –STATE RIVER BASINS**

**10. Inter-State River Basins:** (1) The Inter-State river basins, in first instance, shall be those which have been included in Schedule-I to this Act.

Provided that the Brahmaputra basin shall continue to be governed by the Brahmaputra Board Act No.46 of 1980 as in force or by any other enactment, which may come in to existence, to govern Brahmaputra Basin.

(2) The Central Government may by notification amend the Schedule-I from time to time.

(3) 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 all the inter-State river basins including sub-basins that are included under **Schedule I** of this Act.

## **CHAPTER V**

### **ESTABLISHMENT AND CONSTITUTION OF RIVER BASIN AUTHORITIES**

**11. Establishment of River Basin Authority:** (1) The Central Government shall, by notification in the Official Gazette, establish a River Basin Authority for development, management and regulation of waters of an inter-State river basin or any specified part thereof and different Authorities shall be established for different inter-State river basin(s).

Provided that a separate River Basin Authority may be established for a sub-basin within inter-State river basin;

Provided further that a single River Basin Authority may after consultation with Governments interested, be established for more than one inter-State river basin;

Provided further that where the areas covered by a State/States in an inter-State river basin is considerably less in proportion to the total drained area of such basin, such a State in consultation with the other basin States may agree that a contiguous basin State shall take up the issues of such a State with the Authority. The decisions so taken shall be binding on all basin States.

(2) An Authority may be established under such name and at such places as may be specified in the notification under sub-section (1).

(3) Every Authority so established shall be a body corporate having perpetual succession and a common seal, and shall by the said name sue and be sued.

(4) Every Authority shall exercise its jurisdiction within such limits of the inter-State river or river basin or any part thereof as may be specified in the notification under sub-section (1) and the area so delineated shall be called the area of operation of the Authority.

**12. Two-Tier System for the management of the River Basin Authority:** Every River Basin Authority constituted under Section 11 shall consist of a Governing Council and an Executive Board.

**13. Constitution of Governing Council:** (1) The Governing Council shall consist of the following members, namely:

- (a) Chief Ministers of the basin States that fall in the inter-State river basin area, and in the case of the Union Territory, either the Chief Minister or Administrator thereof, as the case may be;
- (b) The Minister in charge of Water Resources from each of the basin States;
- (c) One Member of Parliament from the House of the People from each of the basin States, to be nominated by the Speaker of the House of the People;
- (d) One Member of the State Legislature from each of the basin States to be nominated by the respective Speakers of the State Legislature;
- (e) Two representatives of District Panchayat / Zilla Parishad to be nominated by the State Government from each of the basin States;
- (f) the Chief Secretary to the State Government or the Administrator to the Government of the Union Territory or his nominee, as the case may be, from each of the basin States;
- (g) One representative from the Water User Associations nominated by State Government by rotation, from each of the basin States;
- (h) One representative from the Urban Local Bodies / Municipalities nominated by State Government, from each of the basin States;
- (i) Two persons to be nominated by the State Government from each of the basin States from amongst eminent citizens having knowledge and experience in either any one or more of the relevant technological / engineering and other branches of science like hydrology, irrigation and drainage, agriculture, environmental and ecological aspects of water development, management and regulation, electrical/mechanical engineering, flood management, navigation, water conservation, soil conservation, water resources governance, economics, and finance with insight in integrated water resources development, management and regulation.
- (j) Three independent experts to be nominated by the Central Government from amongst eminent citizens having requisite knowledge and experience in water resources development, management and regulation and related disciplines.
- (k) Member-Secretary who shall be the Chief Executive Officer of Executive Board.

Provided that while nominating persons under section 12 (c), (d), & (e) adequate representation for women would be ensured to the extent possible.

- (2) The term of office of members other than those who are ex-officio members shall be three years.
- (3) The manner of filling vacancies and the procedure to be followed in discharge of the functions of the Governing Council shall be such as may be prescribed.
- (4) The members (except ex-officio members) shall be entitled to receive such allowances in respect of expenses incurred in performance of their duties as may be prescribed.
- (5) Notwithstanding anything contained in any other law for the time in force, the office of a Member of the Governing Council shall not be deemed to be an office of profit.
- (6) The Governing Council shall meet at least twice in a year and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed.
- (7) No act or proceeding of the Governing Council shall be invalid merely by reason of existence of any vacancy therein or any defect in the constitution thereof or any irregularity in the procedure not affecting the merits of the case.

**14. Chairperson of the Governing Council:** (1) The Chairperson of the Governing Council shall be from amongst the Chief Ministers of the basin States, by rotation. The first Chairperson of the Council shall be one on whom the Chief Ministers of the basin States arrive at a consensus. In absence of consensus the Central Government shall nominate the Chairperson.

(2) After the first Chairperson stands nominated, the office of the Chairperson shall be held by rotation by consensus. The procedure to be followed shall be the same as in Sub-Section (1).

(3) The Chairperson of the Governing Council shall hold office as such for a period of one year.

**15. Constitution of Executive Board:** (1) The Board shall consist of the following members, namely:-

- (a) Chief Executive Officer of Board, nominated by the Central Government from amongst the officials of the rank of the Member of the Central Water Commission of the Government of India;

- (b) the Secretary to the State Government or the Government of the Union Territory, as the case may be, in charge of water resources, irrigation or flood control as appropriate, from each of the basin States;
- (c) the Secretary to the State Government or the Government of the Union Territory, as the case may be, in charge of Agriculture Department in each of the Basin State;
- (d) the Secretary to the State Government or the Government of the Union Territory, as the case may be, in charge of Power Department from each of the basin States.
- (e) the Secretary to the State Government or the Government of the Union Territory, as the case may be, in charge of Environment Department from each of the basin States.
- (f) Engineer in Chief in charge of water resources, irrigation or flood control, as the case may be, from each of the basin States;
- (g) Member-Secretary of the State Pollution Control Boards from each of the basin States;
- (h) Regional Director(s), Central Groundwater Board within the territorial jurisdiction of the concerned River Basin Authority
- (i) A Representative , not below the rank of Chief Engineer, of the State Groundwater Board from each of the basin States;
- (j) Managing Director / Member Secretary of the State Water Supply and Sewerage Board or any other equivalent official from the State Government in charge of the drinking water supply from each of the basin States;
- (k) Member Secretary of the State Disaster Management Authority or any other equivalent official from the State Government in charge of Disaster Management from each of the basin States;
- (l) One person from each of the basin States to represent non-government organizations dealing with river basin and water resources management to be nominated by the State Governments of each of the basin States;
- (m) One expert to be nominated by the State Government from each of the basin States having relevant knowledge and experience in water resources development, management and regulation and related disciplines.
- (n) Member-Secretary of the Board, to be nominated by the Central Government from amongst the officials of the rank of Chief Engineer of the Central Water Commission of the Government of India.

- (2) The term of office of members other than those who are ex-officio members shall be three years.
- (3) The manner of filling vacancies and the procedure to be followed in discharge of the function of the Executive Board shall be as may be prescribed.
- (4) The member (except ex-officio members) shall be entitled to receive such allowances in respect of expenses incurred in the performance of their duties as may be prescribed.
- (5) Notwithstanding anything contained in any other law for the time in force, the office of a Member of the Executive Board shall not be deemed to be an office of profit.
- (6) The Executive Board shall meet at least once in a quarter in the basin States by rotation, and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed.

Provided that the proceedings of the various meetings of Executive Board shall be recorded and preserved in the Office of the Member Secretary.

- (7) No act or proceeding of the Executive Board shall be invalid merely by reason of existence of any vacancy therein or any defect in the Constitution thereof or any irregularity in the procedure not affecting the merits of the case.
- (8) The Executive Board may seek assistance of any expert or experts whose advice it may desire in performing any of its functions under this Act.
- (9) The Executive Board shall be guided in the matter of discharge of its function by the advice given by the Governing Council

## **CHAPTER VI**

### **RIVER BASIN MASTER PLAN**

**16. River basin Master plan.**(1) A River Basin Authority shall ensure that a River Basin Master Plan for river basin development, management and regulation is prepared for the inter-State river basin under its jurisdiction.

- (2) The River Basin Master Plan shall, *inter-alia*, include
  - (a) all the results of the analysis of the River Basin Characteristics
  - (b) a comprehensive review of the impact of anthropogenic interventions on the status of surface water and ground water, including an estimation of pollution, point as well as diffused, in water uses
  - (c) identification of protected areas, social and cultural flow needs and duration



- (d) environmental needs
  - (e) ground water and protected aquifers, if any
  - (f) a summary survey of existing pricing policies and an economic analysis
  - (g) a fair assessment of the effects of existing legislations
  - (h) an economic analysis for optimal allocation and the notional cost of deviation from optimal
- (3) All the basin States shall ensure coordination with the aim of producing a single inter-State river basin master plan.
- (4) A River Basin Master Plan made under this Section shall include the elements detailed in **Schedule II** of this Act.
- (5) River Basin Master Plan shall be coordinated with the plans for national economic and social development, the general plans for land use and general urban plans and plans for environmental protection, and at the same time the needs of various regions and industries shall be taken into consideration.
- (6) The River Basin Master Plan shall be made through an inclusive consultative process in the manner prescribed.

## **CHAPTER VII**

### **POWERS AND FUNCTIONS OF RIVER BASIN AUTHORITIES**

**17. Functions of the Governing Council:** A Governing Council constituted under the Act shall exercise the following powers and perform the following functions, namely:-

- (a) To approve the river basin master plan so as to ensure sustainable river basin development, management and regulation within the parameters laid down by the National Water Policy, as amended from time to time;
- (b) To take steps to enable the basin States to come to an agreement for implementation of approved river basin master plan and its components;
- (c) To make recommendations to 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;
- (d) To make recommendations in relation to the coordination of their activities with a view to resolve conflicts among basin States and to achieve maximum

results in respect of the measures undertaken by them in the inter-State river basin;

- (e) To make recommendations for conservation, control and optimum utilisation of water resources of the inter- State river basin in accordance with the River Basin Master Plan ;
- (f) To allocate among the Governments interested the costs of executing any scheme prepared by the River Basin Authority and of maintaining any works undertaken in the execution of the scheme;
- (g) To forward every approved Scheme made under this Act to the Governments interested with advice, wherever needed, to undertake measures for executing the Scheme;
- (h) To review and according clearance to new water resources projects proposed at the river basin/sub-basin level by the concerned entity in accordance with the rules to be made under this Act while ensuring that the proposal is in conformity with River Basin Master Plan especially with respect to the water allocation of each entity, which is economically, hydro-geologically and environmentally viable;
- (i) To direct the Executive Board to carry out the purposes of this Act;
- (j) To lay down policies and to make recommendations for promoting efficient use of water;
- (k) To approve the water account prepared by the Executive Board and permit publication of the water accounts or parts thereof by the Board;
- (l) To take steps to see that sewerage, sullage water and other pollutants are not discharged into rivers under its jurisdictions. Whenever any incident comes to the notice of the Governing Council, it shall make a reference to the concerned Pollution Control Board constituted under the Water (Prevention and Control of Pollution) Act, 1974. The said Pollution Control Board shall get the complaint filed through an authorized officer.
- (m) Any other matter which is supplemental, incidental or consequential to any of the above functions.

**18. Functions of the Executive Board:** An Executive Board constituted under the Act shall exercise the following powers and perform the following functions, namely:-

- (a) To formulate a River Basin Master Plan for the inter-State river basin including river valley under its jurisdiction so as to ensure sustainable river basin management on the basis of the information detailed in **Schedule II** of this Act;

- (b) To prepare schemes, including multi-purpose schemes, for irrigation, water supply or drainage, hydropower, flood management and navigation for the purpose of regulating or developing the inter-State river or river valley under its jurisdiction in accordance with the River Basin Master Plan and after consulting, and incorporating inputs and data from, the Governments interested and the Central Government;
- (c) To ensure compliance of the decisions taken in the Governing Council in respect of River Basin Master Plan.
- (d) To maintain and regularly update a comprehensive database on water resources of the basin and integrate the same with the other associated databases relevant to the basin management;
- (e) To conduct a comprehensive scientific survey, investigation and assessment of water resources in respect of new projects contemplated in the River Basin Master Plan. Such survey, investigation and assessment shall be arranged by the River Basin Authority in conjunction with the basin States.
- (f) To monitor the progress of the measures undertaken in implementing the River Basin Master Plan by the Governments interested and report to the Governing Council on the same;
- (g) To lay down such principles and operation rules as deemed necessary for the system of reservoirs and various plants in the river basin under normal operating conditions as well as during any water related emergencies or disasters.
- (h) As a part of regular functioning, initiate, promote and undertake or cause to undertake Information, Education and Communication (IEC) activities for creating awareness and education at all levels to promote understanding of the issues that arise under this Act.
- (i) Any other functions that may be assigned to it by the Governing Council.

#### **19. Powers of the Chief Executive Officer of the Executive Board:**

The Chief Executive Officer as referred to in section 15 (1) (a) shall exercise administrative and financial powers as may be delegated to him by

- (i) Central Government,
- (ii) Governing Council, and
- (iii) Executive Board

The extent of financial powers to be exercised by the CEO shall be those as may be prescribed

The Chief Executive Officer may delegate his powers in the manner and to the extent as may be deemed appropriate

**20. Powers for efficient discharge of functions.** (1) For the purpose of efficiently performing its functions under this Act, every River Basin Authority in full association with the States concerned, may, within its area of operation :-

- (a) acquire, hold and dispose of property, both movable and immovable, as it deems necessary;
- (b) undertake or cause to undertake such investigation or surveys or other measures for development, management and regulation of water resources as it may deem necessary;
- (c) inspect or cause to be inspected any works undertaken by any Government interested concerning the regulation or development of the inter-State river basin under its jurisdiction and issue directions to the concerned agencies for taking remedial actions
- (d) conduct and co-ordinate or cause to conduct and coordinate research on various aspects of the conservation, regulation or utilisation of water resources, such as but not limited to water power generation, irrigation, navigation, flood control, water treatment, pollution control, soil conservation, land use and connected structural and design features;
- (e) collect or cause to be collected such topographical, geological, meteorological, hydrological and sub-soil water data as it may deem necessary. All relevant land use and soil related data also be included in such data collection programmes;
- (f) publish or cause to be published statistics or other information relating to the various aspects of the regulation or development of the inter-State river basin under its jurisdiction;
- (g) require any Government interested to furnish such information as the River Basin Authority may require in relation to-
  - (i) the measures undertaken by that Government for the regulation or development of the inter-State river basin under its jurisdiction;
  - (ii) the topographical, meteorological, geological, hydrological and subsoil water data and relevant land use;
  - (iii) such other matters as may be prescribed.
- (h) The Central Water Commission would provide technical support in the matter of preparation of River Basin Master Plan in close coordination with Governments interested.

(i) Establish offices and engage manpower in the manner prescribed.

**21. Recommendations to be binding.** Any recommendations made by a River Basin Authority in exercise of its powers and functions under this Act shall be binding upon the Governments interested.

## **CHAPTER VIII**

### **DISPUTE RESOLUTION**

**22. Persuasion, Conciliation and Mediation** (1) Where any dispute or difference arises between two or more Governments interested with respect to -

- (a) Any recommendation made by the River Basin Authority under this Act;
- (b) any measures undertaken by any Government interested in pursuance of any recommendation made by the River Basin Authority;
- (c) the refusal or neglect by any Government interested to undertake any measures in pursuance of the River Basin Master Plan evolved by the River Basin Authority soon after its establishment or Schemes, or any part thereof,
- (d) the sharing of benefits or financial liabilities arising out of any recommendation given by the River Basin Authority;
- (e) any other matter covered by this Act or arising out of it.

The Governing Council of the concerned River Basin Authority shall follow persuasion, conciliation and mediation as means to resolve disputes in its subsequent meeting.

(2) The Governing Council of the concerned River Basin Authority shall require the Governments interested to make available facts, evidence and documents as, in its opinion, may be necessary for the determination of the dispute.

(3) The Governing Council shall ascertain the facts in every dispute or difference before it and thereafter give such decision as it may seem just and proper.

(4) The decision referred to in Sub-Section (3) may be taken in a reasonable period not exceeding twelve months.

**23. Reference under Inter State River Water Disputes Act, 1956.** Where the Governing Council of the concerned River Basin Authority under the provisions of this section fails to determine the issue or resolve the water dispute before it or where the Government interested disagree with the decision tendered by such Governing Council under sub-section (3) of Section 22 of this Act, the Governments interested

may, in such form and in such manner as may be prescribed, refer the matter for resolution under the Inter State River Water Disputes Act, 1956.

## **CHAPTER IX**

### **FUNDS, ACCOUNTS AND OTHER MATTERS**

- 24. Funds.**(1) Every River Basin Authority under this Act shall have its own fund. ,
- (2)All sums which may, from time to time, be paid to River Basin Authority by the Central Government or a State Governments and all other receipts of the River Basin Authority shall be carried to the fund of the Authority
- (3)All expenditure by the Authority shall be met from its funds.
- 25. Budget.** (1)Every River Basin Authority under this Act shall prepare, in such form and manner and at such time each year as may be prescribed, a budget in respect of each financial year and the ensuing years showing the estimated receipts and expenditure,
- (2) Copies of budget shall be forwarded to the Central Government and the Governments interested.
- 26. Annual Report. (1)** Every River Basin Authority under this Act 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 Governments interested.
- (2)The Central Government shall cause every annual report to be laid before both Houses of Parliament.
- 27. Accounts.** (1) Every River Basin Authority under this Act 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 the River Basin Authority shall be audited at such time and in such manner as may be prescribed.
- 28. Act to have overriding effect.** The provision of this Act or the River Basin Master Plan thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of such law.

**29. Power of Central Government to give directions.** (1) The Central Government may give such directions as it may consider necessary to the Governments interested for the effective implementation of the provisions of this Act.

(2) Without prejudice to the provision of sub-section (1), the Central Government may from time to time give direction with regard to

(a) Carrying out the proper utilization of funds allocated to the River Basin Authorities constituted under this Act,

(b) Rendering accounts in the manner in which the amounts have been spent by the River Basin Authorities constituted under this Act.

(3) The power to give directions includes the power to issue guidelines.

**30. Support by Central Government.** The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the River Basin Authority in each financial year such sums as the Central Government may consider necessary for the performance of the functions of the River Basin Authority under this Act.

**31. Public Servants.** All members and officers of the River Basin Authority, 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.

**32. Power to amend Schedules.** (1) If the Central Government is satisfied that it is necessary or expedient to do so, it may, by notification, amend schedule-I or Schedule-II and thereupon Schedule-I or Schedule-II, as the case may be, shall be deemed to have been amended accordingly.

(2) A copy of every notification made under sub-section (1) shall be laid before each House of Parliament as soon as may be after it is made.

**33. Power to frame Rules.** (1) The Central Government may by a 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 form and manner in which the public information and consultation measures are to be carried out in preparation of the River Basin Master Plan;



- (b) preparation of Schemes for irrigation, domestic and industrial water supply, drainage, hydropower, navigation, flood control and maintaining water quality in accordance with River Basin Master Plan;
- (c) the matters in respect of which the River Basin Authority may require a Government interested to furnish information;
- (d) the form in which, and the time within which, the budget and annual report of the River Basin Authority may be prepared and forwarded to the Central Government and the Governments interested;
- (e) the form and manner in which the accounts of the River Basin Authority may be maintained, and the time at which and the manner in which such account may be audited;
- (f) the returns and information which the organisation may be required to furnish to the Central Government,
- (g) any other matter which has to be or may be prescribed.

(3) All Rules made under this Section shall, as soon as practicable after they are made, be laid before both houses of Parliament.

**34. Regulations.** Every River Basin Authority may, with the previous approval of the Central Government by Notification, in the Gazette of India, make regulations non inconsistent with this Act or the Rules made thereunder:

- (a) regulating the meetings of the River Basin Authority and procedure for conducting business thereat;
- (b) regulating any other matter that the River Basin Authority deems necessary for discharging its powers and functions under this Act.

## **SCHEDULE I**

(See Section 10)

### **INTER-STATE RIVER BASIN UNDER THE ACT**

The inter-State river basins for which River Basin Authorities are to be constituted under this Act include:-

- I. Brahamani- Baitarini basin
- II. Cauvery basin,
- III. Ganga basin
- IV. Godavari basin,
- V. Indus basin,
- VI. Krishna basin
- VII. Mahanadi basin,
- VIII. Mahi basin
- IX. Narmada basin,
- X. Pennar basin
- XI. Subarnreakha basin
- XII. Tapi basin

## **SCHEDULE II**

(See Subsection 4 of Section 15)

### **ELEMENTS OF RIVER BASIN MASTER PLAN**

A River basin master plan shall, *inter-alia*, cover the following elements:

- i. Basin Features including a general description of the characteristics of the river basin;
- ii. Objectives and outcomes to be achieved by the River Basin Master Plan
- iii. An informed and hydrologically consistent assessment of the virgin state water (surface and ground) availability at various locations in the basin to assess the potential yield of basin/sub-basin.
- iv. Inventory of potential storage and diversion sites, including existing and ongoing schemes for irrigation, hydroelectric power generation, water supply, flood control and Drainage, water treatment plants where polluted water is let into the river or lakes after treatment (their presence, absence as well as efficient functioning). Quality and quantity of hot spots in the basin to be detailed.
- v. Assessment of data collection needs and mechanisms required to be put in place after accounting for the existing data acquisition resources already in place. Reporting requirements and storage and retrieval system specifications for such data.
- vi. An inventory of existing water uses in the basin, temporal and spatial distribution of the uses, source wise and area wise covering schemes identified in 'iii'.
- vii. Presentation of a water account comprising of qualitative as well as quantitative availability and utilisation (consumptive and non-consumptive) for the basin as a whole with appropriate sub-accounts for identified existing sources and consumers. The account shall include all the uses and sources above a specified limit. The account so defined shall be published for each hydrological year.
- viii. Assessment of Water and Related Resources with respect to Surface Water, Ground Water, Water Quality, Energy Resources, Land Resources and Other Resources and including therein a summary of significant pressures and impact of anthropological changes on the status of surface water and groundwater within the river basin and identification and mapping of protected areas and ecologically fragile zones;
- ix. Development needs within the River Basin including Potential Projects therein and also including detailed programmes and management plans for the river basin

- dealing with particular sub-basins, sectors, issues or water types, together with a summary of their contents;
- x. Plans for navigation, water-logging prevention, waste water treatment for reuse, saline water conversion.
  - xi. Accounting for needs for aquatic ecosystem in rivers, reservoirs and lakes; making specific allocation of ecosystem need in a basin/sub-basin context as a development objective.
  - xii. Measures for water and soil conservation, prevention and control of sedimentation;
  - xiii. Evaluation of various /alternative development scenarios including possibility of integrating various uses of water, integrating various reservoir systems, conjunctive use of surface and ground water, integrating ecological needs and incorporation of inter-State/international agreements and tribunal awards;
  - xiv. Establishment of long term objectives, precipitation management, management of evaporation and evapotranspiration for beneficial uses reducing non beneficial uses in water utilisation; development targets/criteria based on all of the above elements;
  - xv. Drawing of plans for information dissemination and exchange to ameliorate impacts of water related disasters like floods, droughts and other project operation related incidence.
  - xvi. Drawing of plans for integrated operations of all the significant water resources project for achieving optimal utilisation patterns for the water resources in the basin in the light of availability and shortfalls.
  - xvii. A summary of the public information and consultation measures taken, their results and the changes to the plan made as a consequence.
  - xviii. Master Plan to be a dynamic document incorporating changes at regular intervals to account for changing needs and aspirations of the stakeholders
  - xix. Any other matter that the concerned River Basin Authority under this Act deems necessary for the preparation of the River Basin Master Plan.

## Composition and Terms of Reference to the Committee

No. 36/20/2006-BM(Vol.V)/296-308  
GOVERNMENT OF INDIA  
MINISTRY OF WATER RESOURCES  
(BM SECTION)

Dated: 6<sup>th</sup> March, 2006

### ORDER

**Sub: Setting up a Committee to study the activities that are required for optimal development of a river basin and changes required in the existing River Boards Act, 1956 for achievement of the same.**

It has been decided to set up a study group to study the problems being faced in setting up a successful River Basin Organisation(RBO), the activities that are necessary to develop the water resources of a river basin to its optimal level and the group may come up with the recommendations on the role and structure of a model RBO. Based on these recommendations, the present River Boards Act 1956 may be considered for amendments.

2. Composition of the Study Group :

- (i) Shri Tejinder Singh Doabia, Former Judge of M.P. and J&K High Court - Chairman
- (ii) Member (WP&P), CWC - Member
- (iii) Commissioner (Projects), MoWR - Member Secretary
- (iv) Shri S. Manoharan, former Special Secretary, MoWR - Member
- (v) Shri M. Gopalakrishna, former Member, CWC - Member
- (vi) Shri B P Das, former Engineer-in-Chief, Water Resources Department, Government of Orissa - Member
- (vii) Shri S G Bhogle, Ex-DG, WALMI, Aurangabad - Member
- (viii) Shri Videh Upadhyaya, Legal Consultant and Specialist on Development and natural resources law - Member
- (ix) The Committee may co-opt special invitees with the approval of Central Government

3. The terms of reference of this group will be:

- (i) To identify the main ingredients of a comprehensive River Valley Development Plan which need to be brought under a legal framework for effective implementation and suggest appropriate structure for an Inter-State River Valley Development Act and recommend a legal framework to facilitate smooth implementation of the river valley plan;
- (ii) Suggest provisions required in the Law to bring about integrated water resources development with participation of all key stakeholders.
- (iii) Suggest how the fundamental features of the plan can be made mandatory preventing deviations by the stakeholder States;

- (iv) Suggest means of ensuring accountability of the States in the faithful implementation of the River Valley Development Plans;
  - (v) Delineate the responsibilities of the Government of India and the State Governments. Also indicate the extent to which some of the responsibilities can be delegated to the States without compromising the lead role of the Central Government;
  - (vi) Suggest the legal provisions for ensuring the smooth flow of all the data required for river valley planning and implementation of the plan.
4. Chairman/Members of group will be entitled to honorarium, TA/DA, etc. as follows:
- (i) A fee of Rs.2500/- per day of sitting may be given to the non-official members of the above Committee subject to overall ceiling of 1,20,000/- for the entire terms of the Committee.
  - (ii) TA/DA to the non-official retired Government servants may be given as per their admissibility at the time of retirement.
  - (iii) TA/DA to the non-official private members may be given as admissible to a serving Government officer in the pay band of PB-III plus grade pay of Rs.6600/-.
  - (iv) Co-opted members shall also be governed by conditions mentioned at (i), (ii) & (iii) above.
5. The committee will submit its recommendations in three months' time from the date of its constitution.
6. The expenditure of the Committee will be met from the grant-in-aid provided to NWDA under the scheme IWRDS.
7. This issues with the concurrence of IFD, MOWR vide their ID No.1037 dated 20.1.2012.

  
 ( Asit Chaturvedi )  
 Dy. Commissioner(BM)  
 T. No. 011-23718165

Copy to:

- 1. PS to Hon'ble Minister (WR)/Secy(WR)/AS(WR)/Comm(PR), MOWR
- 2. Members of the Committee.
- 3. DG, NWDA, New Delhi.
- 4. Director(Finance), MoWR< New Delhi9

**Shri A. B. Pandya**, Director General, National Water Development Agency, was co-opted as member of the Committee vide Order No. 36 / 20 / 2006 -BB/BM (Vol. V)Pt./744-757 dated 01.05.2012

**The tenure of the Committee** was extended for a term of **three months** with effect from 6<sup>th</sup> June 2012 vide Order No. 36/20 /2006-BB/BM (Vol. V) Pt. / 1151-1163 dated 18th June 2012.



**THE RIVER BOARDS ACT, 1956**

**No. 49 OF 1956**

**(12th September, 1956)**

An Act provide for the establishment of River Boards for the regulation and development of inter-State rivers and river valleys.

Be it enacted by Parliament in the Seventh Year of the Republic of India as follows:-

**CHAPTER I**

**PRELIMINARY**

1. (1) This Act may be called the River Boards Act, 1956.  
(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 inter-State rivers and river valleys to the extent hereinafter provided.
3. In this Act, unless the context otherwise requires,--
  - (a) "Board" means a River Board established under section 4;
  - (b) "Governments interested", in relation, to a Board, means the Governments of those States which, in the opinion of the Central Government, are likely to be interested in, or affected by, the functions: of the Board under this Act:
  - (c) "Member" means a member of a Board and includes its Chairman;
  - (d) "Prescribed" means prescribed by rules made under this Act.



## **CHAPTER II**

### **ESTABLISHMENT OF RIVER BOARDS**

4. (1) The Central Government may, on a request received in this behalf from a State Government or otherwise, by notification in the Official Gazette, establish a River Board for advising the Governments interested in relation to such matters concerning the regulation or development of an inter-State river or river valley or any specified part thereof, and for performing such other functions as may be -specified in the notification, and different Boards may be established for different inter-State rivers or river valleys:

Provided that no such notification shall be issued except after consultation with the Governments interested with respect to the proposal to establish the Board, the persons to be appointed as members thereof and the functions which the Board may be empowered to perform.

(2) A Board may be established under such name as may be specified in the notification under sub-section (1).

(3) Every Board so established shall be a body corporate having perpetual succession, and a common- scale, and shall by the said name sue and be sued;

(4) Every Board shall exercise its jurisdiction within such limits of the river (including its tributaries, if any) or river valley as may be specified in the notification under sub-section (1) and the area so specified shall be called the area of operation of the Board.

5. (1) The Board shall consist of a Chairman and such other members as the Central Government thinks fit to appoint.

(2) A person shall not be qualified for appointment as a member unless, in the opinion of the Central Government, he has special knowledge and experience in irrigation, electrical engineering, flood control, navigation, water conservation, soil conservation, administration or finance.

6. (1) A member shall, unless his appointment is terminated earlier by the Central Government, hold office for such period as may be notified in this behalf by the Central Government in the Official Gazette and shall, on the expiry of the term of his Office, be eligible for re-appointment.

(2) A member may resign his office by writing under his hand addressed to the Central Government, but he shall continue in office until the appointment of his successor is notified in. the Official Gazette.

(3) A casual vacancy created by the resignation of a member under sub-section (2) or for any other reason shall be filled by fresh appointment.

(4) A member may be appointed either as a whole-time or part-time member as the Central Government thinks fit.

(5) The terms and conditions of service of the Chairman and other members shall be such as may be prescribed.

7. If any member is by infirmity or otherwise rendered temporarily incapable of carrying out his duties or is absent on leave or otherwise in circumstances not involving the vacation of his appointment, the Central Government may appoint another person to act in his place
8. The Board shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be provided by regulations made under this Act
9. No act or proceeding of the Board shall be deemed to be invalid by reason only of the existence of any vacancy in the Board or any defect in the appointment of a member thereof.
10. The Board may, from time to time, appoint one or more advisory committee or committees for the purpose of enabling it to carry out its functions under this Act.
11. (1) The Board may be associate with itself in such manner and for such purposes as may be determined by regulations made under this Act any person whose assistance or advice it may desire in performing any of its functions under this Act.
- (2) A person associated with the Board under sub-section (1) for any purpose shall have a right to take part in the discussions of the Board relevant to that purpose, but shall not have a right to vote at a meeting of the Board, and shall not be a member for any other purpose.
12. Subject to such rules as may be made by the Central Government, in this behalf, the Board may, for the purpose of enabling it to efficiently perform its functions or exercise its powers under this Act, appoint such officers as it may think fit and determine their functions and terms and conditions of service.

### CHAPTER-III

#### POWER AND FUNCTIONS OF THE BOARD

13. A Board may be empowered under sub-section (I) 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 under-taken 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 hydroelectric 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 supplemental, incidental or consequential to any of the above functions,

14. (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.

15. (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 a 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.

16. For 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 interested 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.

17. The 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.

18. (1) The Board shall have its own fund, and all sum 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.

19. The 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.

20. The 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 Governments interested; and the Central Government shall cause every such report to be laid before both Houses of Parliament.

21. (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 the Board shall be audited at such time and in such manner as may be prescribed.

## CHAPTER IV

### MISCELLANEOUS

22. (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 to 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-

23. The Board shall furnish to the Central Government such return statistics, accounts and other information with respect to its fund or activities as the Central Government may from time to time require.

24. The 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 may be 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.

25. All 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.

26. No 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.

27. (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.

28. (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.

(3) All rules made under this section shall, as soon as practicable after they are made, be laid before both Houses of Parliament.

29. 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 there under-

(a) regulating the meetings of the Board and the procedure for conducting business thereat;

(b) regulating the manner in which, and the purposes of 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.