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PART I—Section 1

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MINISTRY OF IRRIGATION AND POWER

NOTIFICATION

New Delhi, the 10th March 1955

No. DW.VI-4(9).—In pursuance of sub-section (4) of section 66 of the Andhra State Act, 1953 (30 of 1953), and in supersession of the Notification of the Government of India in the Ministry of Irrigation and Power, dated the 29th September, 1953, the President hereby gives the following directions in regard to the Tungabhadra Project, namely:—

1. There shall be established with effect from the 15th March 1955, a Board by the name of the Tungabhadra Board consisting of—

Chairman

(1) Shri B. K. Gokhale, I.C.S., (Retd.)

Members

(2) Shri L. Venkatakrishana Ayyar, Special Chief Engineer, Andhra.

(3) Shri D. K. Srinivasachar, Secretary to the Government of Mysore, Public Works and Electricity Department.

(4) Shri D. V. Rao, Chief Engineer, Public Works Department, Irrigation Projects, Hyderabad.

(5) Shri S. Ratnam, Joint Secretary, Government of India in the Ministry of Finance or any other officer of that Ministry authorised by that Ministry in this behalf to attend any meeting of the Board in his absence.

2. The Chairman, if present, shall preside over a meeting of the Board but if the Chairman is absent from any meeting of the Board, the Members shall choose one of their number to preside.

3. (i) All matters relating to the Project works of common interest to the States of Andhra and Mysore, brought before any meeting of the Board shall be decided by a majority of the Members of the Board present and voting at the meeting before which such matters are brought and the decision of the Board shall be final:

Provided that where with reference to any matter brought before the Board, the Chairman is satisfied that there is a difference of opinion among the Members on any question of policy or the rights of the States concerned involved in the consideration of such matter, the Chairman shall refer the matter to the Central Government whose decision thereon shall be final.

Explanations.—I. If any Member raises at any meeting of the Board any point as to whether a question is a question of policy or whether any rights of the States concerned are involved in the consideration of a matter before the Board, a decision on the points so raised shall be given by the Chairman.

(i). Where any Member dissents from any decision so given by the Chairman, it shall be lawful for the State Government, whose representative that Member is, to represent to the Government of India through the Chairman the matter on which a decision has been given by the Chairman and where this is so done, the Chairman shall refer the matter to the Central Government whose decision thereon shall be final.

(ii) Subject to the provisions of sub-paragraph (i), the Board may make rules for the conduct of its own business.

(iii) No act or proceedings of the Board shall be invalid merely on the ground of the existence of any vacancy in, or the absence of any member of, the Board.

4. (i) The Board shall take charge of, and deal with, all matters relating to works on, or connected with, the Tungabhadra Project which are common to both the States of Andhra and Mysore, but nothing in this sub-paragraph shall be deemed to authorise the Board to deal with any matter in respect of works which relate to only one of the States or in which only one State is interested.

(ii) In particular, and without prejudice to the generality of the foregoing powers, the functions of the Board shall include—

(a) the completion of the construction of the sanctioned Tungabhadra Project;

(b) the regulation of supplies of water and power in accordance with such rules as may be made in this behalf by the Board;

(c) the maintenance of the main canal and of other works common to both the States of Andhra and Mysore;

(d) maintenance of the dam and reservoir of the Project;

(e) the granting of leases of fisheries in the reservoir and in the main canal;

(f) the proper utilisation of land acquired for the purposes of the Project; and

(g) any other function incidental to, or connected with, the functions specified in clauses (a) to (f).

5. (i) For the efficient performance of its functions, the Board may appoint a whole-time Secretary and such other officers and servants as it considers necessary.

(ii) During any absence on leave of the Secretary, the Board shall appoint a person to act as Secretary and every person so appointed shall exercise the powers conferred and perform the duties imposed on the Secretary by or under this notification.

(iii) All orders and decisions of the Board shall be authenticated by the signature of the Secretary of the Board.

6. (i) The Governments of Andhra and Mysore shall provide at all times the necessary funds for the construction and maintenance of the Tungabhadra Project:

Provided that the liability for the expenditure on the Tungabhadra Project shall be apportioned between the States of Andhra and Mysore in such proportion as may be agreed upon between the two State Governments, and in the absence of any such agreement, in such proportion as may be fixed in this behalf by the Central Government.

(ii) The Governments of Andhra and Mysore shall continue to give the same facilities to the Audit Officer of the Project and other officers engaged in connection with the Project for the payment of moneys into, and withdrawal of moneys from, the treasuries and sub-treasuries located in their respective territories as were enjoyed by such officers immediately before the commencement of the notification.

7. The Board, shall, in relation to the technical sanction, administrative approval, and other sanctions required for the construction and maintenance of the Tungabhadra Project, and in relation to any other administrative matters concerning the Project, exercise the powers of a State Government under the various Codes, Manuals, Rules, and Regulations, specified in the Schedule annexed hereto, as in force in the State of Madras immediately before the 1st day of October, 1953, and any executive instructions, orders, and directions from time to time issued or made thereunder:

Provided that, in relation to administrative matters concerning the Government servants of the State of Mysore employed by the Board in connection with the Project, the corresponding Codes, Manuals, Rules and Regulations, as in force in the Mysore State immediately before the said date, shall apply.

8. All contracts to be made in connection with Tungabhadra Project shall be expressed to be made jointly by, and in the names of, the Governments of Andhra and Mysore and all such contracts shall be executed on behalf of the said Governments by the Secretary of the Board or such other officer as may be authorised by the Board in this behalf, but neither the Secretary nor the authorised officer shall be personally liable in respect of anything under such contracts.

9. (i) The staff which immediately before the commencement of this notification was engaged in the construction and maintenance of the Tungabhadra Project shall, after such commencement, continue to be so employed by the Board in connection with the said Project but the Governments of Andhra and Mysore may, if they so think fit, replace any members of the existing staff by other persons in such manner and in such proportion as may be agreed upon between the said State Governments and in the absence of any such agreement as may be determined in this behalf by the Board:

Provided that all correspondence between the State Governments with respect to such agreements shall be carried on through the Chairman.

(ii) The staff for the time being employed in connection with the Project shall be deemed to be employed under the administrative control of the Board.

10. Plant, machinery, equipment and stores purchased for and in connection with the Tungabhadra Project shall be under the control of the Board and shall be used on the entire Project under the directions of the Board.

11. The Governments of Andhra and Mysore may depute such persons as they may nominate or designate either generally or specially to inspect the works on or connected with the Tungabhadra Project which are common to both the States of Andhra and Mysore.

SCHEDULE

(See paragraph 7)

(1) Madras Public Works Account Code with Appendices.
(2) Madras Public Works Department Code.
(3) Madras Detailed Standard Specifications.
(4) Madras Account Code.
(5) Madras Electricity Manual.
(6) Madras Financial Code.
(7) Madras Treasury Code.
(8) Madras Budget Manual.
(9) Fundamental Rules and Subsidiary Rules of the Madras Government.
(10) Madras Manual of Special Pay and Allowances.
(11) Madras Pension Code.
(12) General Provident Fund (Madras) Rules.
(13) Contributory Provident Fund (Madras) Rules.
(14) Madras Contributory Provident Fund—Pension Insurance Rules, 1950.
(15) Madras Security Rules, 1937.
(16) Madras Services Manual.
(17) Madras Commercial Taxes Manual, Vols. I to III.
(18) Madras Port Manual.
(19) Madras Stationery Manual.

S. VENKATARAMAN, Dy. Secy.

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