

Rajasthan Lakes (Protection and Development) Authority Rules, 2016

RAJASTHAN

India

Rajasthan Lakes (Protection and Development) Authority Rules, 2016

Rule

RAJASTHAN-LAKES-PROTECTION-AND-DEVELOPMENT-AUTHORITY of 2016

- Published on 22 February 2016
- Commenced on 22 February 2016
- [This is the version of this document from 22 February 2016.]
- [Note: The original publication document is not available and this content could not be verified.]

Rajasthan Lakes (Protection and Development) Authority Rules, 2016Published vide Notification No. G.S.R. 147, dated 22.2.2016G.S.R. 147. - In exercise of the powers conferred by Section 31 of the Rajasthan Lakes (Protection and Development) Authority Act, 2015 (Act No. 5 of 2015), the State Government hereby makes the following rules, namely: -

1. Short title and commencement.

(1)These rules may be called the Rajasthan Lakes (Protection and Development) Authority Rules, 2016.(2)They shall come into force on and from the date of their publication in the Official Gazette.

2. Definitions.

(1)In these rules unless the context otherwise requires, -(a)"Act" means the Rajasthan Lakes (Protection and Development) Authority Act, 2015 (Act No. 5 of 2015);(b)"Form" means the Form appended to these rules; and(c)"Register" means a register maintained in Form-'c' as appended to these rules.(2)Words and expressions used in these rules but not defined, shall have the same meanings as assigned to them in the Act.

3. Objections or Suggestions.

- Whenever, the State Government declares and specifies the boundaries of a lake and a geographical area around it to be the protected area, by notification, under Section 4 of the Act, any

person aggrieved by the said notification may, within two months from the date of publication of such notification in the Official Gazette, file his objections or suggestions to the State Government in Form - 'A'.

4. Permission for undertaking any activity in the lake.

(1) No person shall undertake any activity, whatsoever, within the boundaries of a lake or use or draw any produce or water from a lake after the publication of notification under Section 4, unless permission is obtained from the Authority by submitting an application in Form - 'B'. (2) The application under sub-rule (1) may be addressed to the Chief Executive Officer of the Authority. The Chief Executive Officer shall cause it to be entered in a register in Form - 'C'. The Chief Executive Officer shall seek comments of the local authority concerned on that application and thereafter put up the matter before the committee concerned of the Authority and if the Authority is satisfied that grant of permission will not have adverse impact on protection and development of the lake, it may grant permission in Form - 'D'.

5. Regulation of activities in the protected area.

(1) Every town planning authority shall consult the Authority before preparing spatial or development plan of any area comprising a lake in accordance with Section 5 of the Act and no spatial or development plan in respect of an area comprising a lake shall be approved or enforced without the prior approval of the Authority. (2) Where any construction is required to be made by any person in the area declared protected under Section 4 stating that such construction is not likely to have adverse impact on protection and development of the lake, he shall not undertake construction unless he obtains permission of the Authority. (3) Any person intending to obtain permission as referred to in sub-rule (2), may apply to the Chief Executive Officer of the Authority in Form - 'B' and the Chief Executive Officer shall cause that application to be entered in the register in Form - 'C' and seek comments of the local authority thereon and after scrutiny at his level put up the application for consideration of the committee of the Authority and when the Authority is satisfied that grant of permission for construction is not likely to have adverse impact on protection and development of the lake, it may grant permission. If the comments or views of the local authority are adverse to the proposed construction, the Authority may take those views in consideration while granting or refusing permission. (4) Any person intending to undertake any activity which is in the prohibited category declared by notification under sub-section (3) of Section 5 but falls in a class under that notification for which certain activities can be allowed after obtaining permission of the Authority, such person may seek prior approval of the Authority by filing an application in Form - 'B' before the Chief Executive Officer of the Authority, the Chief Executive Officer shall then cause to be entered that application in the register. The Chief Executive Officer shall get the application scrutinised and also seek comments and views of the local authority concerned and thereafter place it before the committee of the Authority. If after taking into consideration the views of the committee the Authority is satisfied that the activity sought to be commenced is not likely to effect adversely the protection and development of the lake and its surroundings which have been declared as protected area, it may permit such activity. Where in the opinion of the Authority, the activity is likely to cause adverse effect on the lake, the permission will be refused stating reasons therefor.

6. Survey and study of lakes.

(1)The Authority shall cause the survey and study to be conducted of all the lakes in the State either by its own staff brought on deputation from departments of the State Government or through a competent professional agency having expertise in the task of conducting surveys and drawing maps of water bodies and their surroundings.(2)The survey shall be conducted in the manner as is done by land settlement functionaries of the Revenue Department of the State as prescribed in survey manual prescribed under the Rajasthan Land Revenue Act, 1956 (Act No. 15 of 1956) as also by using modern technologies such as Geographic Information System mapping by satellite imagery.(3)The survey so conducted shall be got studied by experts in the field of survey and inaccuracies, if any, detected between the manual mapping and the Geographic Information System i.e. Satellite imagery etc, the same shall be got reconciled and final maps and reports of survey shall be approved and authenticated by a functionary of the Authority duly authorised by the Authority for that purpose.

7. Maintenance of record of survey including maps and publication thereof.

(1)After the finalisation of survey and approval thereof by the Authority under Rule 6, the Authority shall maintain such record and publish the contents of survey record, including maps showing lake boundaries, flow areas and other matters which may be deemed necessary by the Authority for protection and development of Lakes, in a pictorial book form, using glazed papers and proper colour patterns.(2)This publication shall be a priced publication on no profit no loss basis and shall be open for sale on demand.

8. Terms and conditions of service of a nominated member other than ex-officio members.

(1)Whenever, any member other than ex-officio member is nominated by the State Government on whole time basis, the terms and conditions thereof shall be such as may be settled and determined by the State Government while nominating him.(2)When any member other than ex-officio member, nominated with a view to work with the Authority to attend to its meetings from time to time, in such a case .the members shall be paid such remuneration and allowances as may be determined by the State Government from time to time.

9. Meetings of the Authority.

- The Authority shall follow the following procedure for convening and transacting of its business at its meetings: -(a)The Chief Executive Officer of Authority acting as member secretary shall convene the meeting of the Authority with the approval of the Chairperson of the Authority and circulate the notice of the meeting among members along with agenda of the meeting, duly approved by the Chairperson, at least fifteen days before the date fixed for meeting. Such notice may also be e-mailed or faxed to members, if e-mail addresses of member are available or fax facilities are there.(b)Two third of the total strength of members of the Authority shall form the quorum of the meeting of the

Authority. A meeting which may lack quorum shall be adjourned. Proper attendance of all the members present at the meeting shall be recorded.(c)All decisions taken at the meeting shall be recorded in the minutes of the meeting and all decisions shall be based on the basis of majority of members present. It should be clearly mentioned in the minutes of the meeting whether the decisions were unanimous or on the basis of majority of members present and the cases of divergent views should be clearly specified. The minutes of the meeting shall be recorded by the member secretary soon after the conclusion of the meeting but not later than seventy two hours after the conclusion of meeting and should be countersigned by the Chairperson and thereafter shall be placed in a folder of minute book or pasted in a proceedings register as permanent record of the Authority. The spare copies thereof may however be used on other relevant files or in other proceedings.

10. Maintenance of accounts and audit.

(1)The Chief Executive Officer of the Authority shall cause to be prepared and maintained the accounts of receipts and expenditure of the Authority as per accrual base Double Entry Accounting System in the form and manner laid down for State Government Offices/Departments.(2)The accounts of the Authority shall be audited by the Director, Local Fund Audit Department in accordance with the provisions of the Rajasthan Local Fund Audit Act, 1954 (Act No. 28 of 1954).(3)The Authority shall pay out of the fund, such charges for audit as are payable under the Rajasthan Local Fund Audit Act, 1954 or as settled by the Director, Local Fund Audit Department.

11. Preparation of annual budget of the Authority and submission for approval of the State Government.

(1)The Chief Executive Officer of the Authority shall cause to be prepared for each year, before 15th January, a budget estimate along with establishment schedule of the Authority for ensuing year and such budget estimate shall be an estimate of the foreseen income and expenditure of the Authority.(2)The budget of the Authority shall be prepared in Form-'E'. In addition to giving short details in remarks column, necessary explanatory note be added, giving larger details of income and expenditure for the purposes of understanding the overall position of income and expenditure of the authority.Form-'A'[See Rule 3]Objections Or SuggestionsToPrincipal Secretary Local self Government Department, Government of Rajasthan, JaipurSir,With reference to the Notification No..... datedpublished in the Rajasthan Gazette Ordinary /Extra-ordinary Part at page dated declaring and specifying the boundaries of. lake (name of lake) and the geographical area around it, I here by, *offer following suggestions/* file following objections for consideration of the State Government: -(1)*(a) Suggestions: -

1.

2.

3.

4.

.....;and/or*(b) objections: -

1.

2.

3.

on the grounds stated below: -..... and request the State Government to consider my suggestions and/or objections made above and to modify the Notification referred to above on the lines suggested above and or to withdraw the notification in view objections filed by me.

2. Any other information or document ,if any, the applicant may intend to add, or to raise any plea on any ground, (may be given or stated here).....

Signatures()Name of the ApplicantAddress.....Tele.
No.....Email Address (if any)* strike out which ever may be inapplicableForm-'B'[See Rule 4(1) or 5(2)]Application seeking Permission of the Authority for Under taking certain activitiesToThe Chief Executive Officer, Rajasthan Lake Development Authority, Jaipur (Rajasthan)Sir,I want to Draw water/grow produce.....(name the product) or to undertake. the..... activities(name the activity) inlake (mention the name of the lake and area in lake boundary where activity is to be commenced as also the tehsil / District where it is situated). *2. I was using water for purposes even before the commencement of the Rajasthan Lakes (Protection and Development) Authority Act, 2015 (Act No. 5 of 2015) and now seek permission for drawing water for said purposes to the extent it was being drawn immediately before such commencement. The said quantum of water was (Litres) per annum from (period)to..... *3. I further state that drawal of water up to said extent will not adversely effect the protection and development of the lake. *4. I want to grow produce in the lake which was grown immediately before the commencement of the Rajasthan Lakes (Protection and Development) Authority Act, 2015 (Act No. 5 of 2015) and there for, I seek permission of the Authority for counting that activity in the lake or within its boundaries. *5. I intend to commence (name the activity) in the (name the lake) lake and within its boundary and state that by such activity the protection and development of the said will not effect adversely.(Attach details of project and it uses and benefit to the public at large and the state, if any)I. therefore, request the Authority to accord permission.Signatures () Name of the Applicant Address -

.....Tele. No.....Email Address (if any)* strike out the portion which may be in applicationForm-"C"[See Rule 4 (2)]Register

S. No.	Name of the applicant	Purpose with section of the Act or rule underwhich application is filed	Dealt with on file number	Action taken	initials of officer attesting the entry	Remarks, if any.
1	2	3	4	5	6	7

Form-'D'[See Rule 4(2)]Rajasthan Lake Development Authority,No.....Jaipur,
Dated.....PermissionWhereas shri/ firm/ company had filed application on..... (date) for use of lake (name of lake) for purpose/activity which was entered in the register at S.Noon date and the Rajasthan Lake Development Authority has considered his application in consultation with the (name the local authority concerned) and the Rajasthan Lake Development Authority is of the view that the drawal of water in quantity /permitting to grow produce/continuance of.....or commencement of activity in the lake area or its boundaries is not likely to adversely effect the protection and development of the (name the Lake) lake.Shri/firm/company, is therefore, allowed to draw water (in quantity) grow produce from the lake for the period to /or to commence (name to activities)..... (mention) period (in case of permission is given for a longer period in cases of granting permission for constructions of buildings etc, such as tourism projects, mention here for execution of a lease deed for specific period as also specify the specific conditions subject to which permission is being granted, which may also be directed to be embodied in the Lease Deed).by order of the Authority () Chief Executive Officer Rajasthan Lake Development AuthorityForm-'E'[See Rule 11(2)]Annual Budget Estimates of the Lake Authority for the year

S.No	Major, minor or sub-heads (describe variousheads of income/experience)	Actuals for the previous year	Budget Estimates for Current Year	Revised Estimates for Current Year	Budget Estimates for Next Year
------	--	-------------------------------	-----------------------------------	------------------------------------	--------------------------------