

The U.P. Bhagirathi River Valley Authority Act, 1999

UTTAR PRADESH

India

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Act 14 of 1999

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The U.P. Bhagirathi River Valley Authority Act, 1999(U.P. Act No. 14 of 1999)[As passed by the Uttar Pradesh Legislature]Vide Notification No. 781 (2)/XVII-1 - 1 (KA) 32-1998, dated 24th March, 1999, published in U.P. Gazette (Extraordinary), Part I, Section (Ka), dated 24th March, 1999.An Act to provide for the establishment of an Authority for the supervision and co-ordination of the integrated and sustained development of the Bhagirathi river valley and for matters connected therewith or incidental thereto.It is hereby enacted in the Fiftieth Year of the Republic of India as follows :

1. Short title and commencement.

(1)This Act may be called the Uttar Pradesh Bhagirathi River Valley Authority Act, 1999.(2)It shall come into force on such date as the State Government may, by notification, appoint in this behalf.

2. Definitions.

- In this Act,-(a)"Authority" means the Bhagirathi River Valley Authority established under Section 3;(b)"Bhagirathi River Valley" or "Valley" means the basin of the Bhagirathi Bhilangana rivers and their tributaries upto Deoprayag, and shall include such other areas adjacent thereto, as the State Government may, by notification, specify;(c)"basin" means the entire catchment area of the valley;(d)"development agency" means any government department, or institution, or other agency engaged in the work of the development of the valley;(e)"member" means a member of the Authority and includes its Chairman;(f)"sector" means an item for development and includes agriculture, road, bridge, industry, irrigation, transport, communication, housing, tourism and health and matters related thereto.

3. Establishment and constitution of the Authority.

(1)The State Government shall, by notification, establish, for the purposes of this Act, an Authority to be called the Bhagirathi River Valley Authority, which shall be a body corporate.(2)The Authority shall consist of the following members, namely :

(a)	The Chief Secretary to the Government of Uttar Pradesh	... Chairman
(b)	The Secretary, Ministry of Energy, Government of India	... Member
(c)	The Secretary, Ministry of Forest and Environment, Government of India	... Member
(d)	The Advisor, Planning Commission of the Government of India incharge of the hill areas	... Member
(e)	The Agricultural Production Commissioner to the Government of Uttar Pradesh	... Member
(f)	The Principal Secretary to the Government of Uttar Pradesh, Industrial Development Department	... Member
(g)	The Principal Secretary to the Government of Uttar Pradesh, Irrigation Department	... Member
(h)	The Principal Secretary to the Government of Uttar Pradesh, Finance Department	... Member
(i)	The Principal Secretary to the Government of Uttar Pradesh, Planning Department	... Member
(j)	The Principal Secretary or Secretary, as the case may be, to the Government of Uttar Pradesh, Environment Department	... Member
(k)	The Principal Secretary cum Legal Remembrancer to the Government of Uttar Pradesh in the Judicial Department	... Member
(l)	The Chief Town and Country Planner, Uttar Pradesh	... Member
(m)	Commissioner, Kumaun Division	... Member
(n)	Commissioner, Garhwal Division	... Member
(o)	The Principal Secretary to the Government of Uttar Pradesh, Uttaranchal Vikas Vibhag	Member ... Secretary

(3)The Authority may associate with itself in such manner and for such purposes as may be determined by it, such other persons whose assistance or advice it may desire for complying with any of the provisions of this Act and the persons so associated shall have the right to take part in the discussions of the Authority relevant to the purpose for which they have been so associated but shall not be entitled to vote.(4)No act or proceeding of the Authority shall be invalidated merely by reason of-(a)any vacancy or any defect, in the constitution of the Authority; or(b)any defect in the appointment of a person acting as a member of the Authority; or(c)any irregularity in the procedure of the Authority not affecting the merits of the case.

4. Powers and duties of Chairman and Member-Secretary.

(1)The Chairman and the Secretary of the Authority shall exercise such powers and discharge such duties as may be assigned to them by this Act or the rule made thereunder.(2)The Member-Secretary shall be the Chief Executive Officer of the Authority. He may be assisted by Additional Chief Executive Officer who shall be appointed by the State Government on such terms and conditions as may be prescribed.

5. Staff of the Authority.

(1)Subject to such conditions as may be prescribed the Authority may appoint such other officers and employees as it considers necessary for the efficient performance of its functions.(2)The terms and conditions of the service of the officers and employees referred to in sub-section (1) shall be such as may be determined by the regulations.

6. Technical Advisors.

(1)For the efficient discharge of its functions, the Authority may, in consultation with the Central Government in the Ministry of Forest and Environment, appoint technical advisors from amongst experts in the fields of-(a)Environment Management,(b)Environment Geology,(c)Eco-System Planning,(d)Integrated Energy Planning,(e)Social Science,(f)Forest Ecology.(2)The powers, duties and functions of the technical advisors, and the terms and conditions of their appointment shall be such as may be determined by the regulations.

7. Meeting.

(1)The business of the Authority shall be transacted in a meeting unless the Chairman directs any business to be transacted by circulation of agenda among the members;(2)The meeting of the Authority shall ordinarily be held once in every three months on such date, at such time and at such place as the Chairman may direct;(3)At every meeting of the Authority, the Chairman, or in his absence, such member as may be agreed to by the members present, shall preside;(4)No business shall be transacted at any meeting unless at least four members, including one from amongst the members mentioned at clauses (a) to (d) of sub-section (2) of Section 3 and one from clause (e) to (g) of the said subsection are present :Provided that no quorum shall be required for a meeting adjourned for want of quorum.(5)All questions arising at a meeting shall be decided by the majority of the members present and voting, and in case of equality of votes the Chairman or the member presiding at the meeting shall have a casting vote.

8. Functions of the Authority.

- The functions of the Authority shall be to -(a)oversee the formulation and execution of development plan to achieve optimal utilisation of natural resources for integrated and sustainable development of the basin. The development plan shall include water resources, land use and

development of agriculture, energy, industry, transport, communication, housing, tourism, health services and related matters;(b)ensure effective and timely action for maintenance of ecological balance in the basin including rehabilitation of damaged ecological system.

9. Preparation of Master Plan.

(1)The Authority shall, as soon as may be, prepare or cause to be prepared a Master Plan for the integrated development of the valley.(2)The Master Plan shall-(a)define the carrying capacity of the basin;(b)define the various sectors into which the development schemes may be divided and indicate the manner in which each sector is proposed to be developed and the stage by which such development schemes shall be carried out;(c)outline the development schemes with alternative schemes for the development of the basin;(d)demarcate the land for various use and purposes; and(e)serve as basic pattern of framework within which the development schemes may be prepared.(3)The Master Plan may provide for such other matters as may be considered necessary for the sustained development of the valley.

10. Sector Plan.

(1)As soon as may be, after the preparation of the Master Plan under Section 9, the development agencies shall proceed with the preparation of the plan for the sector in accordance with the Master Plan.(2)A Plan for the sector prepared under sub-section (1) shall conform to the stipulations and norms laid down by the State Government and the Central Government.

11. Powers of the Authority.

(1)Subject to the provisions of this Act and the rules made thereunder, the Authority shall exercise such powers as are necessary for, or, incidental to, the performance of its functions and discharge of its duties under this Act.(2)Without prejudice to the generality of the provisions of sub-section (1), such powers shall include the powers-(a)to call for information about any development scheme from the development agency executing the same;(b)to approve or disapprove any development scheme in the valley outlined in the Master Plan and prepared in a development agency;(c)to direct any development agency to conform to the policies accepted by the Authority in respect of any sector;(d)to take assistance of any organisation of the Central Government or State Government or of any other agency for implementation of its policies and programmes;(e)to form sub-committees of its members for the purpose of accomplishment of its objects, and(f)to delegate any of its functions to any member or officer of the Authority.(3)No work, whether preliminary or otherwise, or, any development scheme outlined in the Master Plan, shall be initiated in the valley without prior approval of the Authority.

12. Fund of the Authority.

(1)The Authority shall have and maintain its own fund and all receipts of the Authority, including any money received from the State Government or the Central Government by way of grant or

otherwise, shall be credited thereto and all payments by the Authority shall be made therefrom.(2)The Authority shall be provided, by the State Government with such finances as may be necessary for carrying out the purposes of this Act.(3)The fund shall be applied towards meeting the expenses incurred by the Authority for carrying out the purpose of this Act and for no other purpose.

13. Maintenance of the fund.

- The amount of the fund shall be deposited in the Public Ledger Account in a Government Treasury, which shall be operated by the Member-Secretary either singly or jointly with such other member or officer as the Authority may authorise :Provided that nothing in this section shall be deemed to preclude the Authority from retaining such balance in cash as may be necessary for current payments.

14. Budget.

- The Authority shall prepare in such form and at such time, as may be prescribed, its budget for the next financial year showing the estimated income and expenditure and shall forward a copy thereof to the State Government before October 15 every year.

15. Annual Report.

- The Authority shall prepare for every year a report of its activities during that year and submit the report to the State Government and a copy thereof to the Central Government in such form and before such date as the State Government may specify.

16. Accounts and audit.

(1)The Member-Secretary of the Authority shall maintain proper accounts of the Authority and other relevant records and prepare an annual statement at the close of each financial year and shall place it before the Authority and a copy thereof shall be sent to the State Government.(2)The accounts of the Authority shall be subject to audit annually by the Director, Local Fund Audit Department and any expenditure incurred by him in connection with such audit shall be payable by the Authority.(3)The Director, Local Fund Audit Department or any person appointed by him in connection with such audit shall have the same rights, privileges and authority as the said Director has in connection with the audit of the accounts of a local authority and, in particular, shall have the right to demand the production of books, accounts, vouchers and other documents and papers and to inspect the office of the Authority.(4)The audited accounts of the Authority shall be placed every year before the Authority for approval on or before such date as the Authority may direct.

17. Power of entry.

- Any officer or employee of the Authority generally or specially authorised by the Authority, may, at all reasonable times, enter upon any land or premises and do such things as may be reasonably necessary for the purpose of lawfully carrying out any of its work, or, making any survey, exploration and prospecting, preliminary or incidental to the exercise of powers or the performance of functions by the Authority under this Act.

18. Power to issue directions.

- The State Government and the Central Government may, from time to time, issue to the Authority such directions in its opinion may be necessary or expedient for carrying out the purposes of this Act, and it shall be the duty of the Authority to comply with such directions.

19. Power to make regulations.

(1)The Authority may, with the previous approval of the State Government, make regulations not inconsistent with the provisions of this Act or the rules made thereunder for the administration of the affairs of the Authority.(2)In particular and without prejudice to the generality of the foregoing powers, the Authority may make regulations providing for-(a)the procedure in regard to the transaction of business of the Authority or its committees;(b)the functions and duties of the officers and employees of Authority;(c)the constitution, powers, duties and functions of committees of the Authority;(d)the powers and functions of the technical experts;(e)any other matter for which provision is to be, or may be, made in the regulations.

20. Power to make rules.

- The State Government may, by notification, make rules for carrying out the purposes of this Act.

21. Protection of action taken in good faith.

- No suit, prosecution or other legal proceeding shall lie against the Authority or any member or officer thereof in respect of anything which is in good faith done or intended to be done in pursuance of this Act or the rules and regulations made thereunder.

22. Repeal and saving.

(1)The Uttar Pradesh Bhagirathi River Valley Authority Ordinance, 1998 is hereby repealed.(2)Notwithstanding such repeal, anything done or any action taken under the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under this Act, as if the provisions of this Act were in force at all material times.