

**The norms set by it for the discharge of its functions.**

**As NWDA is a Govt. of India Society under the Ministry of Water Resources, it is governed by Memorandum of Association, Rules & Regulations and Bye-Laws of NWDA and Govt. of India Rules/Norms.**

**NATIONAL WATER DEVELOPMENT AGENCY  
MINISTRY OF WATER RESOURCES  
GOVERNMENT OF INDIA**

**Memorandum of Association  
Rules & Regulations  
and  
Bye-laws**

**(As amended upto 1995)**

**New Delhi  
1995**

**MEMORANDUM OF ASSOCIATION OF  
NATIONAL WATER DEVELOPMENT AGENCY  
NEW DELHI**

*(UNAMENDED)*

- 1) The name of the Society is the "National Water Development Agency"
- 2) The Office of the Society shall be situated at AB-7, Safdarjung Enclave, Shopping Centre, 2<sup>nd</sup> Floor, New Delhi-110029.
- 3) The objectives for which the National Water Development Agency is established are:
  - a) To promote scientific development for optimum utilisation of water resources in the country;
  - b) To carry out detailed surveys and investigations of the possible storage reservoir sites and interconnecting link in order to establish feasibility of the proposal of Peninsular Rivers Development forming part of National Perspective for water resources development prepared by ministry of irrigation and Central Water Commission;
  - c) To carry out detailed studies about the quantum of water in various Peninsular River Systems and which can be transferred to other basins/States after meeting reasonable needs of basin States in the foreseeable future;
  - d) To prepare feasibility reports of various components of the scheme relating to Peninsular River Development;
  - e) To do all such other things as the Society may consider necessary, incidental, supplementary or conducive to the attainment of the above objectives;
  - f) All income of the Society shall be utilised for the achievement of the above objects.

#### 4. Governing Body

The management of the affairs of the Society is entrusted in accordance with the Rules and Regulations of the Society to the Governing Body which will consist of the following:

- |  |          |
|--|----------|
| 1) Secretary, Ministry of Water Resources  | Chairman |
| 2) Secretary or his nominee not below the rank of Joint Secretary, Ministry of Finance (Department of Expenditure)     | Member   |
| 3) Secretary or his nominee not below the rank of Joint Secretary, Ministry of Energy (Department of Power)            | Member   |
| 4) Secretary or his nominee not below the rank of Joint Secretary, Ministry of Agriculture (Department of Agriculture) | Member   |
| 5) Secretary or his nominee not below the rank of Joint Secretary, Ministry of Civil Aviation                          | Member   |
| 6) Secretary or his nominee not below the rank of Joint Secretary, Department of Environment                           | Member   |
| 7) Secretary or his nominee not below the rank of Joint Secretary, Planning Commission                                 | Member   |
| 8) Chairman, Central Water Commission  | Member   |
| 9) Chairman, Central Ground Water Board  | Member   |
| 10) Chairman, Central Electricity Board  | Member   |
| 11) Member (WR), Central Water Commission  | Member   |
| 12) Member (D&R), Central Water Commission   | Member   |

- |  |                  |
|--|------------------|
| 13) Director General or his nominee not below the rank of Joint Secretary, India Meteorological Department                                       | Member           |
| 14) Director, National Remote Sensing Agency   | Member           |
| 15) Advisor (PP), Ministry of Irrigation   | Member           |
| 16) Irrigation Secretaries of the State Governments or their nominees not below the rank of Chief Engineer so nominated by the State Governments | Member           |
| 17) Director General, National Water Development Agency  | Member-Secretary |

5 The maximum and minimum membership of the Governing Body of the Society shall be 28 and 14 respectively.

6 We, the undersigned desire to get the above Society to be registered under the Societies Registration Act, 1860 (No. 21 of 1860) as amended in its application to the Union Territory of Delhi.

Sl. No.	Name	Occupation & Address	Signature
1.	Shri Kedar Pandey	Minister of Irrigation, Government of India New Delhi	Sd/-
2.	Shri C.C. Patel	Secretary, Ministry of Irrigation Government of India New Delhi	Sd/-
3.	Shri M.G. Padhye	Chairman, Central Water Commission	Sd-

4.	Shri Pritam Singh	Member (D&R) Central Water Commission	Sd-
5.	Shri K.V.Rama Rao	Member (WR), Central Water Commission	Sd/-
6.	Shri P.K. Acharya	Advisor (PP) Ministry of Irrigation	Sd/-
7.	Shri B.M.K. Mattoo	Financial Adviser Ministry of Irrigation	Sd/-

**MEMORANDUM OF ASSOCIATION OF THE  
NATIONAL WATER DEVELOPMENT AGENCY  
NEW DELHI**

*(As amended from time to time)*

1. The name of the Society is the "National Water Development Agency".
2. The office of the Society shall be situated at Community Centre, Anupam Complex, Saket, New Delhi-110017. <sup>{1}</sup>
3. The objectives for which the National Water Development Agency is established are:
  - a) To promote scientific development for optimum utilisation of water resources in the country.
  - b) To carry out detailed surveys and investigation of possible reservoir sites and interconnecting links in order to establish feasibility of the proposal of Peninsular Rivers Development and Himalayan Rivers Development Components forming part of National Perspective for Water Resources Development prepared by the then Ministry of Irrigation (now Ministry of Water Resources) and Central Water Commission. <sup>{2}</sup>
  - c) To carry out detailed studies about quantum of water in various Peninsular Rivers Systems and Himalayan River systems and which can be transferred to other basins/States after meeting reasonable needs of basin States in the foreseeable future. <sup>{2}</sup>
  - d) To prepare feasibility report of various components of the scheme relating to Peninsular Rivers Development and Himalayan Rivers Development. <sup>{2}</sup>
  - e) To do all such other thing the Society may consider necessary incidents supplementary or conducive to the attainment of above objectives.

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<sup>{1}</sup> As amended vide item 10.9 of 10<sup>th</sup> Annual General Meeting held on 8.12.1992.

<sup>{2}</sup> As amended vide Resolution No. 22/27/92-BM dated 11.3.94.

- f) All income of the Society shall be utilized for the achievement of the above objects.

#### 4. Governing Body

The management of the affairs of the Society is entrusted in accordance with the Rules & Regulations of the Society to the Governing Body which will consist of the following:

- |    |  |          |
|----|--|----------|
| 1) | Secretary, Ministry of Water Resources <sup>{3}</sup>  | Chairman |
| 2) | Secretary or his nominee not below the rank of Joint Secretary, Ministry of Finance (Department of Expenditure)      | Member   |
| 3) | Secretary or his nominee not below the rank of Joint Secretary, Ministry of Energy (Department of Power)             | Member   |
| 4) | Secretary or his nominee not below the rank of Joint Secretary, Ministry of Agriculture, (Department of Agriculture) | Member   |
| 5) | Secretary or his nominee not below the rank of Joint Secretary, Department of Science and Technology                 | Member   |
| 6) | Secretary or his nominee not below the rank of Joint Secretary, Ministry of Environment and Forests                  | Member   |
| 7) | Secretary or his nominee not below the rank of Joint Secretary, Planning Commission                                  | Member   |
| 8) | Chairman, Central Water Commission   | Member   |
| 9) | Chairman, Central Ground Water Board   | Member   |

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<sup>{3}</sup> As amended vide item No. 1 of Special General Meeting held on 9.1.86.



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|-----|--|------------------|
| 10) | Chairman, Central Electricity Authority  | Member           |
| 11) | Additional Secretary, Ministry of Water Resources  | Member           |
| 12) | Member (WP&P), Central Water Commission <sup>{4}</sup>   | Member           |
| 13) | Member (D&R), Central Water Commission   | Member           |
| 14) | Director General or his nominee not below the rank of Joint Secretary, India Meteorological Department                                       | Member           |
| 15) | Director, National Remote Sensing Agency   | Member           |
| 16) | Commissioner (PR), Ministry of Water Resources <sup>{5}</sup>  | Member           |
| 17) | Irrigation Secretaries of the State Governments or their nominees not below the rank of Chief Engineer so nominated by the State Government. | Member           |
| 18) | Director General,<br>National Water Development Agency   | Member-Secretary |

5. The maximum and minimum membership of the Governing Body of the Society shall be 28 and 14 respectively.

6. We, the undersigned desire to get the above Society to be registered under the Societies Registration Act, 1860 (No. 21 of 1860) as amended in its application to the Union Territory of Delhi.

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<sup>{4}</sup> As amended vide item No. 12.9 of 12<sup>th</sup> Annual General Meeting held on 16-12-94

<sup>{5}</sup> As amended vide item No. 12.9 of 12<sup>th</sup> Annual General Meeting held on 16-12-94

Sl. No.	Name	Occupation & Address	Signature
1.	Shri Kedar Pandey	Minister of Irrigation, Government of India New Delhi	Sd/-
2.	Shri C.C. Patel	Secretary, Ministry of Irrigation Government of India New Delhi	Sd/-
3.	Shri M.G. Padhye	Chairman, Central Water Commission	Sd/-
4.	Shri Pritam Singh	Member (D&R) Central Water Commission	Sd/-
5.	Shri K.V.Rama Rao	Member (WR), Central Water Commission	Sd/-
6.	Shri P.K. Acharya	Advisor (PP) Ministry of Irrigation	Sd/-
7.	Shri B.M.K. Mattoo	Financial Adviser Ministry of Irrigation	Sd/-

## **Rules and Regulations of the National Water Development Agency**

Short title extent, commencement and application

1.

- a) These Rules and Regulations may be called the “Rules and Regulations of the National Water Development Agency”.
- b) In their scope and application these Rules and Regulations extend to its Headquarters and all Units of the National Water Development Agency.
- c) These Rules and Regulations shall come into force after approval by the Government of India and with effect from such date as may be specified by the Governing of India.

### **Definitions**

2. In these Rules and Regulations

- a. “The Society” means the National Water Development Agency, a Society registered under a Societies Registration Act, 1860.
- b. “The Agency” shall mean the National Water Development Agency.
- c. “The President” means the President of the Society
- d. “The Vice-President” means the Vice- President of the Society
- e. “The Governing Body” means the Body constituted under Rule 23 of these Rules as the Governing Body of the Society.
- f. “Director General” means the person appointed by the Government of India to be the Director General of the Agency.
- g. “The Member, Finance” means the Officer nominated by the Government of India in the Ministry of Finance to act as a Member of the Governing Body.

h. "Year" means financial year commencing from the 1<sup>st</sup> day of April of any calendar year and terminating on the 31<sup>st</sup> day of March of the following calendar year.

### 3. Members of the Society

The Society shall have the following members:

- |    |  |                |
|----|--|----------------|
| 1. | Minister-in-Charge of the portfolio of Water Resources in the Union Cabinet  | President      |
| 2. | Union Minister of State for Water Resources  | Vice-President |
| 3. | Member (I&CAD) Planning Commission <sup>{6}</sup>  | Member         |
| 4. | Chief Ministers/Ministers-in-Charge of Irrigation of State Governments so designated by them                                   | Member         |
| 5. | Secretary or his nominee not below the rank of Joint Secretary, Ministry of Water Resources                                    | Member         |
| 6. | Secretary or his nominee not below the rank of Joint Secretary, Ministry of Finance (Deptt. of Expenditure)                    | Member         |
| 7. | Secretary or his nominee not below the rank of Joint Secretary, Ministry of Energy, (Deptt. of Power)                          | Member         |
| 8. | Secretary or his nominee not below the rank of Joint Secretary, Ministry of Agriculture, (Deptt. of Agriculture & Cooperation) | Member         |

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<sup>{6}</sup> As amended vide item No. 12.9 of 12<sup>th</sup> Annual General Meeting held on 16.12.94.

9.	Secretary or his nominee not below the rank of Joint Secretary, Department of Science and Technology	Member
10.	Secretary or his nominee not below the rank of Joint Secretary, Ministry of Environment and Forests	Member
11.	Secretary or his nominee not below the rank of Joint Secretary, Planning Commission	Member
12.	Chairman, Central Water Commission	Member
13.	Chairman, Central Ground Water Board	Member
14.	Chairman, Central Electricity Authority	Member
15.	Additional Secretary, Ministry of Water Resources <sup>{7}</sup>	Member
16.	Member (WP&P), Central Water Commission <sup>{8}</sup>	Member
17.	Member (D&R), Central Water Commission	Member
18.	Director General or his nominee not below the rank of Joint Secretary or equivalent- India Meteorological Department	Member
19.	Director General or his nominee not below the rank of Joint Secretary or equivalent-Geological Survey of India	Member
20.	Surveyor General of India or his representative- Survey of India	Member
21.	Director or his representative, National Remote Sensing Agency	Member

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<sup>{7}</sup> As amended vide item No. 1 of Special General Meeting held on 9.1.1986.

<sup>{8}</sup> As amended vide item No. 12.9 of 12<sup>th</sup> Annual General Meeting held on 16.12.94

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|-----|--|----------------------------------|
| 22. | Commissioner (PR), Ministry of Water Resources <sup>{9}</sup>  | Member                           |
| 23. | Irrigation Secretaries of the State Governments or their nominees not below the rank of Chief Engineer so nominated by the State Government. | Member                           |
| 24  | Director General, National Water Development Agency  | Member-Secretary <sup>{10}</sup> |

*Note:*

1. *The nomination or representation may be by name or by designation as may be appropriate provided that the membership of the Society may be changed by the Government of India from time to time.*
2. *The membership of the Society will not be a bar to the membership of any other body.*

4. The Society shall maintain a roll of Members, indicating their full names, addresses and occupations and every member shall sign the same. If a member of the Society changes his address and/or occupation, he shall notify his new address and/or occupation to the Member-Secretary of the Society and the entry in the roll will be changed accordingly. In case he fails to do so, his address and/or occupations given in the roll of members shall be deemed to be correct for the purpose of the Society.

### **Duration of Appointment**

5. When a person becomes a member of the Society by virtue of an office held by him, his membership of the Society shall terminate when the ceases to hold that office, and the vacancy so caused shall be filled by his successor to that office.

<sup>{9}</sup> *As amended vide item No. 12.9 of 12<sup>th</sup> Annual General Meeting held on 16.12.94.*

<sup>{10}</sup> *As amended vide item No. 1 of Special General Meeting held on 9.1.86*

6. A member of the Society shall cease to be a member on the happening of the following events:

If he becomes of unsound mind, becomes insolvent or is convicted of a criminal offence involving moral turpitude.

7. The Society shall function notwithstanding any vacancy in its body and no act or proceeding of the Society shall be invalid merely by reasons of such vacancy or of any defect in the appointment of any of its members, subject to the quorum in the particular proceeding.

### **Authorities and Officers of the Society**

8. The following shall be the authorities and officers of the Society:
  - (i) The President of the Society
  - (ii) The Vice President of the Society
  - (iii) The Governing Body
  - (iv) The Director General
  - (v) Such other persons/bodies, Committees or panels as may/shall be constituted or appointed and authorised by the President, the Society or the Governing Body.

### **Principal Executive Officers**

9. The Director General shall be the Principal Executive Officer of the Society.

### **Appointment of Officers/Staff**

10. They shall be appointed from time to time by the authority competent under the Rules to make such appointments of such officers as may be required to assist the Director General and/or Officers subordinate to him for carrying out the objects set forth in the Memorandum of Association of the Society.

## Proceedings of the Society

11. The Society shall meet as often as is considered expedient but not less than once a year to approve and decide on the activities of the Society and the Governing Body.
12. a) An Annual General Meeting of the Society shall be held at such time, date and place, as may be determined by the President, at such Annual General Meeting the Governing Body shall submit the Annual Report and the Audited Accounts of the Society together with the Auditor's Report thereon.  
  
b) The President may convene a Special General Meeting of the Society, whenever he thinks fit.  
  
c) The President shall convene a Special General Meeting of the Society on the written requisition of not less than ten members of the Society.  
  
d) Any requisition so made by the members of the Society shall indicate the object of the meeting proposed to be called and shall be left at the address of the Member Secretary or posted to his address.  
  
e) At all Special General Meetings, no subject other than that stated in the notice or requisition, as the case may be, shall be discussed except when specially authorised by the President.
13. a) Every notice calling a meeting of the Society shall state the date, time and place at which such meeting will be held and shall be served upon every member of the Society not less than fifteen clear days before the day appointed for the meeting. The Agenda Note shall be served upon every member of the Society not less than 7 days before the day appointed for the meeting.  
  
b) The accidental omission to give notice to or the non-receipt of notice by any member shall not invalidate the proceedings at the meeting.



- c) A notice may be served upon any member of the Society either personally or by sending it through the post in an envelope addressed to such member at the address mentioned in the roll of members.
  - d) Any notice so served by post shall be deemed to have been served on the day following that on which the letter, envelope or wrapper containing the same is posted and in providing such service it shall be sufficient to prove that the cover containing such notice was properly addressed and put in the post office.
14. The President shall preside over all meetings of the Society, in his absence the Vice-President shall preside over the meetings of the Society. In the absence of the President and Vice-President the members present shall choose one from amongst themselves to be the Chairman of the meeting.
15. No business except the election of a Chairman, shall be discussed at any meeting of the Society, whilst, the Chair is vacant.
16. a) Ten members of the Society present in person shall form a quorum at any meeting of the Society.
- b) If there is no quorum at any meeting of the Society, the meeting shall be adjourned for a week atleast and reconvene at a date, time and place to be decided by the President of the Society.
- c) The adjourned meeting held not have a quorum.
17. All disputed questions at meetings of the Society, shall be determined by a majority of votes of the Members present and voting.
18. Each Member of the Society shall have one vote. In case of an equality of votes, the Chairman shall have a casting vote.
19. Once in every year, a list of the names, addresses and occupations of the members of Governing Body then entrusted with the Management of the affairs of the Society shall be filed with the Registrar of the Societies.

20. The proceedings of all meetings of the Society and resolutions passed therein shall be submitted by the Director General to the President of the Society for approval.

## **President**

21. The President shall exercise such powers for the conduct of the business of the Society as may be vested in him by the Society, in addition, the President shall have powers to:
- (i) review periodically the work and progress of the Society.
  - (ii) appoint committee or Commissions for efficient operation of the Society or to enquire into and report on the affairs of the Society and pass such orders as he considers proper.
22. The President may, in writing, delegate such of his powers as he may consider necessary to the Vice-President, Chairman, Governing Body, the Director General or to any other officer of the Agency.

## **The Governing Body**

23. The Governing Body of the Society shall consist of the following Members from amongst the members of the Society.
- |    |  |          |
|----|--|----------|
| 1. | Secretary, Ministry of Water Resources   | Chairman |
| 2. | Secretary or his nominee not below the rank of Joint Secretary, Ministry of Finance (Deptt. of Expenditure)                    | Member   |
| 3. | Secretary or his nominee not below the rank of Joint Secretary, Ministry of Energy, (Deptt. of Power)                          | Member   |
| 4. | Secretary or his nominee not below the rank of Joint Secretary, Ministry of Agriculture, (Deptt. of Agriculture & Cooperation) | Member   |

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|-----|--|--------|
| 5.  | Secretary or his nominee not below the rank of Joint Secretary, Department of Science and Technology <sup>{11}</sup> | Member |
| 6.  | Secretary or his nominee not below the rank of Joint Secretary, Ministry of Environment and Forests                  | Member |
| 7.  | Secretary or his nominee not below the rank of Joint Secretary, Planning Commission                                  | Member |
| 8.  | Chairman, Central Water Commission   | Member |
| 9.  | Chairman, Central Ground Water Board   | Member |
| 10. | Chairman, Central Electricity Authority  | Member |
| 11. | Additional Secretary, Ministry of Water Resources <sup>{12}</sup>  | Member |
| 12. | Member (WP&P), Central Water Commission <sup>{13}</sup>  | Member |
| 13. | Member (D&R), Central Water Commission   | Member |
| 14. | Director General or his nominee not below the rank of Joint Secretary or equivalent- India Meteorological Department | Member |
| 15. | Director, National Remote Sensing Agency   | Member |
| 16. | Commissioner (PR), Ministry of Water Resources <sup>{14}</sup>   | Member |

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*{11} As amended vide item No. 1 of Special General Meeting held on 9.1.86*

*{12} As amended vide item No. 1 of Special General Meeting held on 9.1.86*

*{13} As amended vide item No. 12.9 of 12<sup>th</sup> Annual General Meeting held on 16.12.94*

*{14} As amended vide item No. 12.9 of 12<sup>th</sup> Annual General Meeting held on 16.12.94*

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|-----|---|------------------|
| 17. | Irrigation Secretaries of the State Governments or their nominees not below the rank of Chief Engineers so nominated by the State Governments | Member           |
| 18. | Director-General, National Water Development Agency   | Member-Secretary |
24. Once in every year a list of members of the Governing Body shall be filed with the Registrar of the Societies as required under-Section 4 of the Societies Registration Act of 1860.
25. The Governing Body shall generally pursue and carry out the objectives of the Society as set forth in the Memorandum of its Association and in doing so shall follow and implement the policy directions and guidelines laid down by the Society.
26. The affairs and funds of the Society shall be managed, administered, directed and controlled, subject to Rules, Byelaws and orders of the Society, by the Governing Body.
27. a) The Governing Body shall exercise all executive and financial powers of the Society including those vested in or conferred or to be conferred on it by or under any Statute subject nevertheless in respect of expenditure of such limitations as the, Government of India may impose from time to time
- b) In particular and without prejudice to the generally of the foregoing provisions the Governing Body shall have the power, Subject to the provisions of these Rules and the Bye Laws to:
- (i) Consider the annual and supplementary budgets placed before it by the member-Secretary from time to time and pass them with such modifications as the Governing Body think fit;
  - (ii) create and abolish posts;
  - (iii) appoint various engineers, technical, administrative and staff of the Society, fix their remuneration and define their duties;

- (iv) enter into agreements with the Government of India and through them with Foreign and International Agencies and Organisations, the State Governments and other public or private organizations or individuals for securing and accepting grants-in-aid, endowments donations or gifts to the Society, on mutually agreed terms and conditions, provided that such terms and conditions, if any, shall not be contrary to, inconsistent or in conflict with the objectives of the Society;
- (v) take over, acquire by purchase, gifts, exchange, lease or hire or otherwise from Government of India and through them from Foreign and International Agencies and Organizations, the State Governments and other public or private bodies or individuals, institutions, libraries, laboratories, immovable properties, endowments or other funds together with any attendant obligations and engagements not inconsistent with the objectives of the Society.
- (vi) appoint Committees and Sub-Committees; for such periods and on such terms as it may deem fit, and dissolve any of them;
- (vii) preparations and sanction of budget estimates, sanctioning of expenditure, entering into and execution of contracts, investments of funds of Society and maintenance of accounts and their audit;
- (viii) determine procedure for recruitment of officers and establishment in the service of the Society.
- (ix) determine terms and tenures of appointments, emoluments; allowances, rules of discipline and other conditions of service of the officers and establishments of the Society; and
- (x) determine such other matters as may be necessary for the administration of the affairs and funds of the Society.

28. The Governing Body may delegate such administrative and financial powers as it may think proper to the Chairman and the Director General.

## Proceedings of the Governing Body

29. Every meeting of the Governing Body shall be presided over by the Chairman and in his absence a member chosen from amongst themselves by members present, to provide for the occasion.
30. Seven members of the Governing Body present in person, shall constitute a quorum at any meeting of the Governing Body.
31. Not less than fifteen days clear notice of every meeting of the Governing Body shall be given to each members of the Governing Body. The accidental omission to give notice to or the non-receipt of notice by any member shall not invalidate the proceedings of the meeting.
32. At least one meeting of the Governing Body shall be held in each six month of the year. <sup>{15}</sup>
33. For the purpose of the last rule, each year shall be deemed to comments on the 1<sup>st</sup> day of April and terminate on the 31<sup>st</sup> day of March of the following calendar year.
34. The Chairman may himself call, or by a requisition in writing signed by him may require the Member Secretary to call a meting of the Governing Body at any time and on the receipt of such a requisition, the Member– Secretary shall forthwith call such a meeting.
35. Seven members of the Governing Body may by a requisition in writing signed by them require the Member-Secretary to call a meeting of the Governing Body at any time and on the receipt of such a requisition, the Member-Secretary shall forthwith call such a meeting.
36. Each member of the Governing Body, shall have one vote. The matters to be determined by the Governing Body shall be decided by the majority votes.

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<sup>{15}</sup> *As mentioned vide Item No. 2 of Special General Meeting of Society held in January 1986*

Provided that

- (i) in the event of there being equality of votes on any question to be decided by the Governing Body, the Chairman, shall have a casting vote.
  - (ii) in the event of disagreement between the Member (Finance) and the Governing Body on any financial matter beyond the powers delegated to the Ministry, the matter may be referred to the President of the Society who will decide in consultation with Minister of Finance.
37. Any business which it may be necessary for the Governing Body to perform, except such as may be placed before its annual meeting, may be performed by a resolution in writing circulated among all its members and any such resolution so circulated and approved by a majority of the members signing shall be as effectual and binding as if such resolution had been passed at a meeting of the Governing Body provided that at least seven members of the Governing Body have recorded their approval to the resolution.
38. The proceedings of all Governing Body meeting and resolutions passed, referred to in Rule 37 above shall be submitted by the Director General to the Chairman of the Governing Body for approval.
39. The proceedings of the meetings of the Governing Body shall be submitted to the President at the earliest.

### **Functions and Powers of the Director General**

40. a) Subject to any order that may be passed by the Government of India, the President, Vice-President and decisions of the Governing Body, the Director-General as the Principal Executive Officer of the Society shall be responsible for:-
- i. the proper administration of the affairs and funds of the Society;
  - ii. keeping or causing to be kept the minutes of the proceedings of the Society and the Governing Body and taking necessary action in connection therewith;

- iii. keeping or causing to be kept all records of the Society at its office or any other place to be determined by the Governing Body;
  - iv. prescribing the duties of all employees of the Agency; and
  - v. exercising supervision and disciplinary control over the work and conduct of all employees of the Agency.
- 41 He shall subject to the provision of these Rules and Bye-Laws and decisions of the Governing Body and Chairman, exercise general supervision and disciplinary control over the officers and the staff of the Society, and prescribe their duties and functions.
- 42 The Director General shall co-ordinate and exercise general supervision over all the activities of the Society.
- 43 For the purposes of Section 6 of the Societies Registration Act {21 of 1860}, the Director General in his capacity as Member-Secretary of the Society may sue or be sued in the name of the Member-Secretary of the Society.
- 44 There shall be at the Agency's Headquarters a Director Finance who will be a whole time employee of the Agency. He shall assist the Director General in the preparation of the budget of the Society and he shall be responsible for the control of its finances and for the proper maintenance of accounts and for internal audit. The Director (Finance) shall advise the Director General on all financial matters. The Director General shall have the power to over rule his advice by recording in writing reasons thereof. A report of all such cases shall be submitted to the Governing Body for information.

### **Funds of the Society**

- 45 The funds of the Society will consist of the following:
- (i) Lumpsum and recurring grant made by the Government of India;
  - (ii) Fees and other charges received by the Agency;



(iii) All moneys received by the Society by way of grants, gifts, donations or other contributions approved by the Government of India.

46 All funds of the Society shall be paid into the Society's account with Treasuries/Sub-Treasuries including Reserve Bank of India, branches of the State Bank of India and its subsidiaries or in a scheduled/nationalised bank and shall not be withdrawn except on cheques signed and countersigned by such officers as may be duly empowered in this behalf by the Chairman.

47 The income and property of the Society, howsoever derived, shall be applied towards the promotion of the objectives thereof as set forth in the Memorandum of Association subject nevertheless in respect of the expenditure of grants made by the Government of India to such limitations as the Government of India from time to time may impose. No portion of the income and property of the Society shall be paid or transferred directly or indirectly by way of dividends, bonus or otherwise howsoever by way of profit, to the persons who at any time are or have been members of the Society or to any of them provided that nothing therein contained shall prevent the payment in good faith of remuneration of any employee thereof or other person in return for any service rendered to the Society.

### **Accounts and Audit**

48 The Accounts of the society shall be audited by such person or persons as may be nominated by the Central Government. The nature of audit to be applied and the detailed arrangements to be made in regard to the form of accounts and their maintenance and the presentation of the accounts for audit shall be prescribed by the Bye-Laws to be framed by the Governing Body and approved by the Government of India with the concurrence of the Comptroller and Auditor General of India.

### **Annual Report**

49 The Annual Report of the proceedings of the Society and of all work undertaken during the year shall be prepared by the Governing Body for the information of the members of the Society. This report and the audited accounts of the Society alongwith the auditor's report

thereon shall be placed before the Society at the Annual General Meeting.

## **Seal**

- 50 The Governing Body shall provide a seal and also for its safe custody and the seal shall not be used except by the authority of the Governing Body previously given, and one member of the Governing Body shall sign every instrument to which the seal is affixed and every such instrument shall be countersigned by the Member-Secretary or by some other person appointed by the Governing Body for the purpose.

## **Alternation or extension of the purposes of the Society**

- 51 Subject to the approval of the Government of India previously obtained, the Society may alter or extend the purpose for which it is established or be amalgamated either wholly or partially with any other Society by following the under mentioned procedure.
- a. The Governing Body shall convene a Special General Meeting of the Members of the Society, according to these Rules for the consideration of the said proposition;
  - b. the Governing Body shall submit the proposition for such alteration, extension or amalgamation as aforesaid to the members of the Society in a written or printed report;
  - c. such report be delivered or sent by post to every member of the Society fifteen clear days previous to the said Special General Meeting;
  - d. such proposition be agreed to by the votes of three fifths of the members of the Society delivered in person or by proxy at the said Special General Meeting; and
  - e. such proposition be confirmed by the votes of three-fifth members of the Society present at the Second Special General Meeting convened by the Governing Body at an interval of one month after the former meeting.

- 52 The Rules of the Society, may, with the sanction of the Government of India, be altered at any time by a Resolution passed by a majority of the members of the Society present at any meeting of the Society which shall have been duly convened for the purpose.
- 53 The Society may, with the approval of the Government of India, change its name by a Resolution passed by a majority of the members of the Society present at any meeting of the Society duly convened for the purpose.
- 54 Any number not less than  $3/5^{\text{th}}$  of the members of the Society may with the prior consent of the Government of India, determine that the Society shall be dissolved, and thereupon it shall be dissolved forthwith, or at the time then agreed upon and all necessary steps shall be taken for the disposal and settlement of any property of the Society, its claims and liabilities according to the Rules of the Society applicable thereto, if any, and if not, then as the Governing Body shall find expedient provided that in the event of any dispute rising in the said Governing Body or the Members of the Society, the adjustment of its affairs shall be referred to the Central Government whose decision in the matter shall be final.

Provided, that the Society shall not be dissolved unless  $3/5^{\text{th}}$  of the members shall have expressed a wish for such dissolution by their votes delivered in person or by proxy at a General Meeting convened for the purpose.

- 55 If, on the winding up or dissolution of the Society, there shall remain, after the satisfaction of all its debts and liabilities, any property whatsoever the same shall not be paid to, or distributed among, the members of the Society or any of them but shall be dealt with in such manner as the Government of India
- 56 These Rules shall come into force after being approved by the Government of India from such date as may be specified by the Government of India.
- 57 All provisions contained in the Societies Registration Act 21 of 1860 (Punjab Amendment Act 1957), as amended from time to time and applicable to the Union Territory of Delhi shall apply to this Society.

## **BYE LAWS OF THE NATIONAL WATER DEVELOPMENT AGENCY**

### **General:**

1. These Bye-Laws may be called the Bye-Laws of the National Water Development Agency.
2. These Bye-Laws should be read in conjunction with the Memorandum of Association and Rules and Regulations of the National Water Development Agency.

### **Preparation and approval of Budget Estimates:**

3. The Budget Estimates shall be prepared in two parts.  
  
Part-1 relating to income and expenditure on revenue accounts including detailed personnel budget.  
  
Part-II relating to capital works and other items of capital nature.
4. Director General shall prepare and place before the Governing Body not later than first week of September every year, the Budget Estimates for the ensuing financial year for approval. Performance Budget shall also be attached to it. The Budget Estimates and performance budget as approved by the Governing Body, shall thereafter be submitted to the Government of India not later than 30<sup>th</sup> September every year.
5. No expenditure shall be incurred on any scheme/project unless necessary budget provision exists for the same, Should it be proposed during the course of the financial year to finance any scheme approved by the Governing Body which was not included in the estimates for that year, the sanction of the Governing Body shall be obtained to the method proposed for financing it whether that be by means of an additional grant from the Government or by re-appropriation from within the approved budget.
6. Sanction of the Governing Body shall be obtained for any excess over the budget.

7. The format of the budget shall be as approved by the Governing Body.

#### **Reappropriation:**

8. The Director General shall have power to reappropriate funds from one unit of appropriation to another subject to the condition that
  - 1) no reappropriation shall be made from the heads of capital expenditure to the heads of Revenue expenditure and vice-versa.

#### **Expenditure sanction:**

9. No expenditure from the funds of the Agency shall be incurred without the sanction of competent authority as prescribed in Bye-laws.

#### **Permanent advance:**

10. A permanent advance of a sum to be fixed from time to time by the Director General may be kept by the Head of the office in Headquarters and Chief Engineer's office and by the Superintending Engineer/Executive Engineers in the field offices.

#### **Contracts:**

11. Forms of contract shall be approved by the Director General after obtaining appropriate legal advice.

#### **Investments:**

12. Consistent with the provisions of the Rules and Regulation of the Agency, the funds of the Agency may be invested only in such manner as may be prescribed by the Governing Body.
13. All investments of the funds of the Agency shall be made in the name of the Agency. All purchase, sales or alterations of such investments shall be effected by the Director General with the approval of the Chairman of the Governing Body. All securities will remain in the personal custody of the Finance Officer.

14. The Director General or any other person as may be authorised by the Director General on his behalf shall maintain a register of securities held by the Agency in which any transaction affecting the securities shall be recorded. The securities will be verified once in six months with the register of the securities maintained and a certificate of verification will be recorded in the register by another officer nominated by the Director General.

### Receipts and payments:

15. **Receipts:** All moneys received for or on behalf of the Agency shall be placed in a current Account or Saving Bank Account or fixed Deposit Account in the name of the Agency with the State Bank of India and its subsidiaries and / or any other Nationalized Banks as may be directed by the Governing Body or the Director General or any other person authorized by the Governing Body/Director General and receipts for the same shall be issued.
16. **Payments:** Payments to out side agencies made by and on behalf of the Agency exceeding Rs. 500/- (Rupees five hundred only) shall be made by "crossed" or "Account payee cheque". The cheques shall be signed by the officer(s) nominated by the Director General for the purpose. <sup>{16}</sup>
17. All cheque books will be kept in the personal custody of the Director (Finance) of the Agency or any officer of the Agency as may be nominated by the Director General/Director (Finance) in the Headquarters or by the Accounts Officers/Executive Engineers in field offices.
18. All claims of pay, allowances including travelling allowance, contingent expenditure etc will be presented in the form of bills. All bills will be checked and passed for payment by Accounts Officer and in his absence, by an Officer nominated for this purpose by the Director General/Director (Finance) in the headquarters office. In the field offices the bills shall be checked and passed by Accounts Officer in

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<sup>{16}</sup> As amended vide Supplementary item 1 of 18<sup>th</sup> Meeting of Governing Body held on 18.11.88.

Chief Engineer's office and by Executive Engineer in Circles and Divisions. Notwithstanding the provisions of bye-laws 16 above, these payments may be made by means of cheque/demand draft/cash, as the case may be.

### **Accounts:**

19. The Accounts of the Agency shall be maintained in such form and Annual statement of Accounts compiled in such form as may be prescribed by the Governing Body.
20. The Agency shall have the full time services of Director (Finance) who shall, consistent with the duties devolving on him under the Rules and Regulations of the Agency.
  - (i) assist the Director General in the preparation of annual budget and balance sheets of the Agency.
  - (ii) assist the Director General in the correct maintenance of accounts as prescribed by the Governing Body.
  - (iii) assist the Director General in evolving suitable procedures for procurement of goods and services.
  - (iv) assist the Director General in ensuring the correctness and propriety of all the expenses incurred by the Agency
  - (v) assist the Director General in such areas as cash management, cost control, tariff setting, collection of receipts and also in the observance of the correct financial and accounts procedures.
21. The Accounts Officer, office of the Director General shall pre-check all payments made through the Headquarters Office from the funds of the Society and also ensure proper maintenance of relevant registers both at its Headquarters office at New Delhi and in various field offices.

## Annual Accounts and Result of Audit

22. The Accounts of the Agency, shall be subject to annual audit by a Chartered Accountant or Accountants as defined in the Chartered Accountants Act 1949 (XXXVI of 1949) to be appointed (By the Governing Body and approved) by the Central Government. The remuneration payable to the Auditors shall be determined by the Governing Body.
23. The Accounts of the Agency may also be audited by the Internal Audit Wing of the Ministry of Water Resources as and when considered necessary by the Chairman of the Governing Body.
24. All sanctions and orders of delegation of powers by competent authorities under the Rules & Regulations of these Bye-laws affecting the accounts of the Agency shall be in writing and shall be made available to the auditors.
25. The accounts of the Society as certified by the Auditors and alongwith their comments, if any, shall be placed before the Governing Body and also forwarded to the Government of India within one month of the receipt of the Auditor's report.

## Posts and appointments:

26. a) The emoluments structure i.e. pay scales, allowances and revision thereof for the employees of the NWDA will be adopted with the approval of the Govt. of India in consultation with the Ministry of Finance (Department of Expenditure). However, approval of the Govt. of India need not be sought in regard to adoption of scales or pay & allowances identical to those adopted for corresponding posts as per the Central Govt. orders issued from time to time.
- b) The Governing Body is empowered to create posts carrying the scales of pay the maximum of which does not exceed Rs. 1600/- per month (pre-revised) subject however to observance of the ban orders issued from time to time. The creation of posts above this pay level would need prior approval of the Govt. of India in consultation with Ministry of Finance (Deptt. of Expenditure).<sup>{17}</sup>

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<sup>{17}</sup> Bye-Law 26 (b) inserted vide item 15.5 of 15<sup>th</sup> Governing Body Meeting held on 11.6.87



- c) The Governing Body shall be the appointing authority for appointments to all Group 'A' posts except the posts for which the appointing authority is the Govt. of India.
- d) The Director General, National Water Development Agency shall be the appointing authority for all Group 'B' posts.
- e) The Chief Engineer shall be the appointing authority in respect of Group 'C' posts.
- f) The Superintending Engineer shall be the appointing authority for Group 'D' posts.

27. In the filling up of posts due reservation for Scheduled Caste/Scheduled Tribe candidates and other specified categories will be made in accordance with the rules laid down by the Government of India from time to time.

### **Service Conditions**

28. Till such time as the Agency frames its own working rules and regulations governing service conditions of the employees of the Agency, the rules and orders applicable to the Central Government Employees shall apply *mutatis – mutandis* to the employees of the Agency subject to such modifications as may be made by the Governing Body from time to time provided that the powers of the Ministries and Departments of Govt. of India, will vest in the Governing Body and those of Head of Department will be exercised by the Director General. In case of any doubt in the application of any rules, the matter will be referred to the Governing Body whose decision will be final.
29. Employees of the Agency may be deputed by the Director General to attend scientific conferences, symposium and congress and for specialised training work of the Agency in India.
30. a) Director General shall exercise all the powers of the Head of the Department and the Director (Admn.) or any other officer nominated by the Director General in the Headquarters shall exercise the powers of Head of Office as prescribed by the Government of India from time

to time. Head of Office in the Chief Engineer's Office and Circle offices shall be nominated by respective Chief Engineers and Superintending Engineers. They shall also exercise such of those administrative, financial and other powers as may be delegated by the Governing Body which it may consider necessary and proper.

b) In all matters connected with the execution of the work of the Agency; the Director General shall have the powers as conferred by the Governing Body.

c) The Director General may delegate such powers as conferred on him, to other officers of the Agency that may be considered necessary in the expediency of work. All such delegations may be reported to the Governing Body.

#### **Emergency procedures:**

31. In emergent case, the Chairman may exercise the power of the Governing Body and in matters involving financial commitments, he shall exercise the powers in consultation with member-Finance and the Governing Body would be informed of the action by him for its ratification.

#### **Alteration of Bye-laws:**

These Bye-laws can be altered by the Governing Body with the prior approval of the Government of India.