

NOTIFICATION OF THE GOVERNMENT OF INDIA CONSTITUTING  
THE TUNGABHADRA BOARD.

MINISTRY OF IRRIGATION AND POWER.

New Delhi, the 29th September 1953.

NOTIFICATION

No. D.W.II - 22 (129) - In pursuance of sub-section (4) of section 66 of the Andhra State Act, 1953 (30 of 1953), the President hereby gives the following directions, in regard to the Tungabhadra Project, namely :--

1. There shall be established with effect from the 1st day of October 1953, a Board by the name of the Tungabhadra Board which shall consist of a Chairman to be appointed by the Central Government and of the following persons as members :--

- (1) Shri L. Venkatakrishna Ayyar, Chief Engineer, Irrigation, Andhra.
- (2) Shri K.S. Gangadhara, Chief Engineer, Mysore.
- (3) Shri P. Pappiah, Chief Engineer, Irrigation Projects, Hyderabad.
- (4) Shri B.R. Somayajulu, Chief Engineer, Electricity, Andhra.
- (5) Shri G. Chandy, Chief Electrical Engineer, Mysore.
- (6) Shri Abdul Khader, Chief Electrical Engineer, Hyderabad.

2. (1) There shall be a Vice-Chairman of the Board and every Member shall act as the Vice-Chairman for a period of three months from the date of his assumption of office by rotation in the orders in which their names have been placed in paragraph 1.

(2) The Chairman, whenever present, shall preside over the meetings of the Board and, in his absence, the Vice-Chairman shall preside over such meetings and perform such other functions as may be delegated to him by the Board.

3. (1) The Board shall have a whole-time Secretary who shall be appointed by the Central Government.

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

4. (1) All matters in which there is any difference of opinion among the members shall be referred to the Chairman whose decision thereon shall be final:

Provided that if there is any difference of opinion regarding any question of policy or the rights of the States concerned, the matter shall be referred by the Chairman to the Central Government and the decision of the Central Government, in such a case shall be final.

Explanation -- If any member expresses any doubt as to whether a question is a question of policy or whether the rights of the States concerned are involved, the matter shall be referred by the Chairman to the Central Government.

(2) Subject to the provisions of sub-paragraph (1) of this paragraph, the Board may make rules for the conduct of its business.

5. (1) 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.

(2) 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 and its operation and maintenance during the period of such construction;
- (b) the regulation of the 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 dam and reservoir of the Project;
- (d) the maintenance of the main canal and of other works relating to both the States of Andhra and Mysore;
- (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;
- (g) any other function incidental to or connected with the functions specified in clauses (a) to (f).

6. (1) The Governments of Andhra Pradesh 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.

(2) 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 money from the treasuries and sub-treasuries located in their respective territories as were enjoyed by such officers immediately before the 1st day of October 1953

*engaged by such*

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, have all the powers which the Chief Engineers of Madras have, in relation to any project in the State of Madras, under the Public Works Department Code and the Electricity Department Code;

Provided that the powers exercisable under either of the said codes by the Government of Madras shall be exercised by the Central Government.

8. (1) All contracts to be made in connection with the Tungabhadra Project after the 1st day of October 1953, shall be expressed to be made jointly by and in the name of the State Governments of Andhra and Mysore and all such contracts shall be executed on behalf of the two Governments by the Secretary of the Board or such other officer as may be authorised by the Board in this behalf.

(2) Neither the Secretary nor any officer authorised by the Board making or executing any such contract shall be personally liable in respect thereof.

9. (1) The staff, which immediately before the 1st day of October 1953, was working on the Tungabhadra Project, shall as far as possible, continue to work on the Project after that day but the Government of Andhra Pradesh and Mysore may if in their opinion it is necessary so to do, replace the existing staff by other persons in such manner and in such proportion as may be agreed upon between the two Government, and, in the absence of such agreement, as may be determined in this behalf by the Central Government.

(2) The staff employed on the Project shall as from the 1st day of October 1953 be considered to be under the administrative control of the Board.

10. The Governments of Andhra and Mysore may depute such persons as they may 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.

A. R. KHANNA.  
Deputy Secretary.

// True Copy //

The Gazette  of India <sup>15.11.53</sup>

EXTRAORDINARY  
PART I—Section 1  
PUBLISHED BY AUTHORITY

No. 36] NEW DELHI, MONDAY, MARCH 14, 1955

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.

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II. 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 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 this 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 orders in time to time issued or made thereunder:

*Recd*  
*19/5/53*

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.

(To be published in the Gazette of India Part II Section 3).

GOVERNMENT OF INDIA  
MINISTRY OF IRRIGATION & POWER.

New Delhi, the 11th July, 1956.

DRAFT NOTIFICATION.

No.34(4)/56-DW.VI - In exercise of the powers conferred by Sub-Section (4) of Section 60 of the Andhra State Act, 1953 (30 of 1953), the President hereby directs that the following amendment shall be made in the notification of the Government of India in the Ministry of Irrigation and Power No.DW.VI-4(9), dated the 10th March, 1955, namely:-

In the said notification for paragraph 7, the following shall be substituted namely:-

"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 may adopt such of the amendments made thereto, or executive instructions, orders and directions issued thereunder, by the Government of Andhra from time to time, which the Board considers necessary:

Provided that, in relation to administrative matters concerning the Government servants of the State of Andhra employed by the Board in connection with the Project, the various Codes, Manuals, Rules and Regulations as in force in the Madras State immediately before the 1st October, 1953, and any amendments made thereto or any executive instructions, orders and directions issued thereunder by the Government of Andhra from time to time after the said date, shall apply:

Provided also that in relation to Administrative matters concerning the Government servants of States other than Andhra employed by the Board in connection with the project, the corresponding codes, manuals, rules and regulations as in force in the State concerned and any amendments made thereto or any executive instructions, orders and directions issued thereunder by the Government of the said State from time to time shall apply."

Sd/- Ripudaman Singh,  
Deputy Secretary to the Govt. of India.

To  
The Manager, Government of India Press,  
New Delhi.

Copy forwarded to:-

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v) the Secretary, Tungabhadra Board, Tungabhadra Dam (P.O.)  
Via. Hospet, Bellary District.

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/True copy/

Copy of letter No. DW.I.46(6)61 dated 28.11.1961 from the  
Under Secretary to the Government of India, Ministry of Finan-  
ce, Revenue and Power, New Delhi addressed to the Secretary, Tungabhadra  
Board, Tungabhadra Dam (Via) Hospet) District Bellary, Mysore State.

Subject:- Question whether the Tungabhadra Board  
can be treated to be a Department of  
Government under section 8 of the Central  
Sales Tax Act, 1956.

I am directed to refer to correspondence ending with  
your letter No. 5132/M-I/81-11 dated the 13th November, 1961  
on the subject mentioned above, and to say that the matter  
was referred to the Ministry of Finance (Department of Revenue)  
who are of the view that since the Tungabhadra Board derives  
its existence through statutory notification, it does not come  
within the scope of the term 'Government' as defined in the  
General clauses Act and the Board is not, therefore, authorised  
under the Central Sales Tax Act, 1956 to issue certificate in  
Form 'D' applicable in respect of Government purchases. For this  
purpose it is immaterial whether the Board is wholly or partly  
financed by the Central or the State Governments. The Act does  
not, in the opinion of that Ministry give any powers either to  
the Central Government or to the State Government to authorise  
any sales not made to Government being treated as sales to them.

The matter was, however, referred to the Ministry of  
Law also and they are of the opinion that the Tungabhadra Board  
should be regarded as a Government department and, therefore,  
as coming within the purview of section 8(1) (a) of the Central  
Sales Tax Act, 1956, for the purposes of the concessional rate  
of one per cent allowed under it. According to the Ministry in  
order to determine whether an institution is a Government Depart-  
ment or an independent autonomous body deriving its power,  
duties and rights from statutes of Parliament or State Legis-  
latures, a number of factors have to be taken into consideration.  
The Board was set up by a direction given by the President under  
sub-section (4) of section 66 of the Andhra State Act 1953. The  
Board was placed in charge of all matters relating to the works  
connected with the project undoubtedly. It was also empowered  
to appoint officers for the efficient performance of its  
functions. But, these circumstances by themselves do not make  
it an independent, autonomous body having separate legal existence.  
Under the terms of the direction, the Governments of Andhra and  
Mysore are to provide the necessary funds for the construction  
and maintenance of the Tungabhadra Project. The Board not being



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Corporate body, has no funds of its own. It has been given necessary facilities in the matter of payment and withdrawals in all the territories. For the purpose of administrative matters concerning the project the Board is empowered to exercise the powers of a State Government under the various Codes, Manuals, Orders and Regulations as in force in the State of Madras. Contracts in connection with the project have to be jointly entered to be made and executed in the name of the Governments of Andhra and Mysore. Both the Governments have also the right of inspection of the Project; If we place all these factors together, we get the picture of a body functioning purely as a limb of the Government. In short, it is the Governments concerned that are executing the project through the agency of the Board. The Board has no corporate existence and has thus no autonomy which it is capable of exercising independently of the Government. The Ministry of Law had previously taken the view that for the purpose of deciding the question whether a person is a Government servant or not, it is immaterial whether the appointing authority is a Government or a Board created by a statute or the power of appointment is given in the statute or the rules made thereunder. Even if the Board is created by the statute, it still remains a limb of the Government and the power of appointment given to it is in the nature of a delegation. Only in cases where a Board or a corporation is a body corporate, i.e. a legal entity separate from the Union Government with funds of its own derived from grants or contributions from Government has the view been generally taken that the employees are not Government servants. This was the view taken in 1933 in connection with the question whether the employees of the Central Board of Film Censors were Government servants. It is in recognition of this position obviously that the Mysore Government had exempted vehicles belonging to the Tungabhadra Board from taxation. The Ministry of Law are, therefore, of the opinion that the view taken by the Board of Revenue (CT) Madras, is not correct. In view of the advice given by that Ministry I am to suggest that the Board may be approached in the matter once again.

Yours faithfully,  
Sd. B. K. Singh,  
Under Secretary to the Government of India.

ND: Original available in  
File No. 3185/B-I/68

19/20

Government of India  
Ministry of Agriculture and Irrigation  
(Department of Irrigation)

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New Delhi the 15th October, 1975.

NOTIFICATION

No.19(1)/73-DW-1. The following amendment is made in the erstwhile Ministry of Irrigation and Power Notification No. DW-VI-4(9) dated the 10th March, 1955 (as amended from time to time) reconstituting the Tungabhadra Board:-

"For existing entry under 'Members' in para 1 Substitute "The Secretary to the Government of Andhra Pradesh, Irrigation & Power Department' for 'The Secretary to the Government of Andhra Pradesh, Public works Department'."

Sd. xx xx xx

(K.R.SACHARYA)

UNDER SECRETARY TO THE GOVT. OF INDIA

The Manager,  
Government of India Press,  
Faridabad (Haryana)

(With Hindi version)

No. 19(1)/73-DW-I

New Delhi, the 15 October, 1975.

Copy forwarded to:-

1. The Secretary to the Government of Andhra Pradesh, Irrigation and Power Department, Hyderabad.
2. The Secretary to the Government of Andhra Pradesh, Public works Department, Hyderabad.
3. The Secretary to the Government of Karnataka, Public works & Electricity Department, Vidhana Soudha, Bangalore.
4. The Secretary, Tungabhadra Board, Tungabhadra Dam P.O. Via.Hospet, District Bellary, Karnataka, with reference to his letter No.4232/B-I/72 dated the 23rd September, 1975.
5. The Ministry of Finance (Department of Expenditure) (I&P Branch), New Delhi.
6. The Chairman, Central water Commission, New Delhi.
7. PS to JS (I)/Adm.II/Sec. & Vig.Sections, Department of Irrigation, New Delhi.

Sd. xx xx xx

(K.P.S.ACHARYA)

UNDER SECRETARY TO THE GOVT. OF  
INDIA.

'Copy'

*Dr*  
28/10/75

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(TO BE PUBLISHED IN THE GOVERNMENT OF INDIA GAZETTE PART-I,  
SECTION I)

Government of India  
Ministry of Agriculture and Irrigation  
(Department of Irrigation)

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New Delhi, the 24th May, 1976.

NOTIFICATION:

No.19/4/76-DW-I. The following further amendment is made in the erstwhile Ministry of Irrigation and Power Notification No.DW.VI-4(9) dated the 10th March, 1955 (as amended from time to time) relating to the constitution of the Tungabhadra Board, namely:-

For the existing entry under "Members" in para 1 namely "Engineer-in-Chief and Special Secretary to Government of Karnataka, Public Works and Electricity Department", the following entry shall be substituted:-

"Special Secretary to Government of Karnataka,  
Public Works and Electricity Department."

Sd/-

(K.R.S. ACHARYA)

UNDER SECRETARY TO THE GOVERNMENT OF INDIA

To

The Manager,  
Govt. of India Press,  
Faridabad (Haryana).

(With Hindi version)

No.19/4/76-DW-I

New Delhi, the 24th May, 1976.

Copy forwarded to:-

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3. The Secretary, Tungabhadra Board, Tungabhadra Dam P.O.  
Via. Hospet- Bellary District (Karnataka), with  
reference to his ~~an~~ D.O. letter No.4232/B-1/74 dated  
the 5th May, 1976.

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Sd/-

(K.R.S. ACHARYA)

UNDER SECRETARY TO THE GOVT. OF INDIA.

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