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~~Act~~  
BILL NO. 9<sup>3</sup> OF 1978

THE MANIPUR IRRIGATION BILL, 1977  
(As passed by the Legislative Assembly, Manipur on 25-10-77)

An  
Act

To make the law relating to irrigation and drainage and levy of water rates and betterment contribution and matters connected therewith.

Be it enacted by the Legislature of Manipur in the twenty eight year of the Republic of India as follows :

CHAPTER I

1. (1) This Act may be called the Manipur Irrigation Act, 1977.  
(2) It extends to the whole of Manipur State.  
(3) It shall come into force on such date as the State Government may, by notification in Official Gazette, appoint and different dates may be appointed for different areas of the State.

Short title,  
extent and  
commence-  
ment.

2. In this Act, unless the context otherwise requires :

- (a) "betterment contribution" means contribution levied under Chapter VI of this Act ;  
(b) "betterment levy officer" means such officer as the State Government may appoint to be the betterment levy officer in respect of any area of the Irrigation work, or portion of an irrigation work ;  
(c) "canal officer" means an officer exercising control over a sub-division of an irrigation work or portion of an irrigation work appointed by the State Government ;  
(d) "canal revenue" includes water rate, betterment contribution, water cess, crop cess, licence fee for fishing, navigation, sale of grass, trees and other produce from the land belonging to Irrigation work, proceeds from lease of land belonging to irrigation work and from water mills ;  
(e) "collector" means the head revenue officer of a district and includes a Deputy Commissioner or other officers appointed under this Act to exercise all or any of the powers of a Collector ;  
(f) "culturable commanded area" means all lands which are fit for cultivation under irrigable command of an irrigation work ;

Definitions.

- (g) "divisional canal officer" means an officer exercising control over a division of an irrigation work or portion of the irrigation work appointed by the State by notification in the Gazette;
- (h) "drainage work" includes—
- (i) channels, either natural or artificial, for the discharge of waste or surplus water, and all works connected with or auxiliary to such channels;
  - (ii) escape channels from an irrigation work dams weirs, embankments, flood embankments, sluices, groynes and other works connected therewith, but does not include works for the removal of sewage;
  - (iii) any work in connection with a system of reclamation made or improved by State Government for the purpose of drainage of an area ; and
  - (iv) all field drains ;
- (i) "field channel" means a channel constructed by owners or occupiers or constructed by the State Government on their behalf and at their cost to serve the various fields within a block of 40 hectares or as may be prescribed and maintained by such owners or occupiers and includes existing water courses constructed or maintained by the owners or occupiers ;

*Explanation:—*Existing means existing at the time of the coming into force of this Act.

- (j) "field drains" include drains, escape channels and other similar works constructed & maintained by the owners or occupiers by the State Government on behalf and at the cost of the owners or occupiers ;
- (k) "flood embankment" means any embankment constructed or maintained by the State Government in connection with any system of irrigation or reclamation works for the protection of lands from inundation or which may be declared by the State Government to be maintained in connection with any such system, and includes all groynes, spurs, dams and other protective works connected with such embankment ;
- (l) "irrigation work" includes :—
- (i) all reservoirs, tanks, dams, weirs, canals barrages, channels, domestic water supply works, pipes, ponds, spring ponds, spring channels, aqueducts, sluices, pumping installation constructed, maintained or controlled by the State Government for the supply or storage of water;
  - (ii) all works, embankments, structures, control structures including outlets, supply and escape channels connected with such reservoirs, tanks, dams, weirs, canals, barrages channels, domestic water supply works, pipes, ponds, spring ponds, spring channels aqueducts, sluices, pumping installations, and all roads constructed for facilitating

the construction or maintenance of such reservoirs, tanks, dams, weirs, canals, barrages, channels, domestic water supply works, pipes ponds, spring ponds, spring channels, aqueducts, sluices and pumping installations ;

- (iii) all drainage works, flood embankments, wells, water courses, and field channels ;
  - (iv) any part of a river, stream, lake or natural collection of water or natural drainage channels and ground waters to which the State Government has applied the provisions of Chapter II of this Act ; and
  - (v) all lands held by the State Government for the purpose, of such reservoirs, tanks, weirs, canals, barrages, channels, domestic water supply works, pipes, ponds, spring channels, aqueducts, sluices, pumping installations and all buildings, machinery, fences, gates and other erection upon such lands.
- (m) "lands under irrigable command" means such lands as are irrigated or capable of being irrigated by the flow or lift from an irrigation work being under its command and shall include also such cultivated land which receive in the opinion of the Divisional Canal Officer, by percolation or otherwise from an irrigation work or by indirect flow, percolation or drainage from or through adjoining land, an advantage beneficial to the crop ;
- (n) "notification" means a notification published in the official Gazette ;
- (o) "Occupier" includes and occupier of land or property who cultivates or possesses the same for the time being ;
- (p) "on-farm development" includes any of the following works—
- (i) land-levelling and land-shaping, including realignment of field boundaries ;
  - (ii) providing of falls, culverts and farm roads in the fields ;
  - (iii) land reclamation by use of engineering, biological and chemical measures, including reaching ;
  - (iv) contour bunding and nala bunding ;
  - (v) such other works as may be necessary or incidental to development of land or ground or flow water potential and for optimising the utilisation of land and water resources ;
- (q) "outlet" includes an opening, constructed by the State Government in an irrigation work through which water is delivered into a water course or field channel or directly on to any land ;
- (r) "owner" includes every person having interest in ownership of land or property and all rights and obligations which

attach to an owner under the provisions of this Act shall attach jointly and severally to every person having such joint interest in the ownership ;

- (s) "prescribed" means prescribed by rules made under this Act ;
- (t) "sewage effluent" means effluent from any sewage system or sewage disposal works and includes sullage from open drains ;
- (tt) "state government" means the Government of State of Manipur ;
- (u) "superintending canal officer" means an officer exercising general control over an irrigation work or portion of an irrigation work ;
- (v) "trade effluent" includes any liquid, gaseous or solid substance which is discharged from premises used for carrying on any trade or industry, other than domestic sewage ;
- (w) "water course" means the length of a channel between an outlet and a field channel built at the cost of the State Government and maintained by the owners or occupiers to carry water from an outlet to any block of land or as may be prescribed ;
- (x) "water rate" means water rate levied under Chapter V of this Act ;
- (y) "well" means a well sunk for search or extraction of ground water and includes an open well, dug, well bored well, dug-cum-bored well, tubewell and filter point ;
- (z) "vessel" includes boats, rafts, timber and other floating bodies.

## CHAPTER II

### CONSTRUCTION AND MAINTENANCE OF IRRIGATION WORKS

3. (1) Whenever it appears expedient to the State Government that the water of any river (including its tributaries) or stream flowing in a natural channel or of any lake or any other natural collection of still water or ground water or water flowing in a channel where such water or part thereof, is received from any irrigation work constructed by the State Government whether by percolation, regeneration, release, or otherwise should be applied or used by the State Government for the purpose of any existing or projected irrigation work, or for the regulation, supply or storage of water, the State Government may by notification declare that the said water will be so applied or used after a day to be named in the said notification not being earlier than three months from the date thereof.

The application of water for public purposes and irrigation works.

(2) As soon as practicable after the issue of a notification under sub-section (1), the Divisional Canal Officer or any officer duly empowered under this Act shall cause public notice to be given at convenient places such as stating that the State Government intends to apply or use the water referred to in that sub-section.

(3) The application or use of the said water or application or use of water of any irrigation work under the management or control of the State Government shall be regulated according to the provisions of this Act.

(4) Where the State Government is of the opinion that in the interest of proper irrigation from any irrigation work constructed or proposed to be constructed it is necessary to control the construction of wells for any purpose other than exclusively domestic use, either on personal or community basis, in any area or areas the State Government may by notification specify such area or areas, and thereupon no person shall within such area or areas, construct any such well except with the previous sanction of the State Government or other authority authorised by the State Government in this behalf, and subject to such conditions as the State Government or such authority may impose.

(5) Where the State Government is of the opinion that in the interest of proper irrigation from any irrigation work constructed or proposed to be constructed it is necessary to regulate the operation of the existing wells for any purpose other than exclusively domestic use, either on personal or community basis, in any area or areas the State Government may by notification specify such area or areas and impose such conditions as it may deem fit with regard to extraction of water therefrom. Thereupon no person shall within such area or areas extract water from such well except according to conditions which the State Government may impose.

(6) When the State Government is of the opinion that in the interest of proper irrigation, a block or land under any existing or proposed irrigation work is to be transferred to another proposed or existing work or completely excluded from any existing work, the State Government may by notification specify such areas and such works to take effect from a date specified in the notification, not being earlier than six months from the date thereof.

(7) When the State Government is of the opinion that in the interest of proper utilisation of available water resources, it is necessary to subject a block of land for temporary submersion without damage to crops, the State Government may by notification specify such areas and period of such submersion on a date specified in the notification, not being earlier than six months from the date thereof.

4. At any time after the day named in the notification under sub-section(1) of section 3, any Canal Officer duly empowered in this behalf may enter on any land, remove any construction, close any

Powers of  
entry on  
land etc.

channel and do any other thing necessary for such application or use of the said water and for such purpose may take with him, or depute or employ such subordination and other persons as he thinks fit.

Enquiry or examination.

5. Whenever it shall be necessary to make an enquiry or examination in connection with a projected irrigation work or its construction or with the maintenance of an existing irrigation work or with the application or use of the water of any irrigation work for the purpose of regulation, supply or storage of water, any canal officer duly empowered in this behalf may—

- (a) enter upon such land and structure or any thing attached to land as he may think necessary for the purpose ;
- (b) undertake surveys or take levels thereon ;
- (c) dig and bore into the sub-soil ;
- (d) where otherwise such inquiry cannot be completed, cut down and clear away any standing crop, fence or jungle ;
- (e) exercise all powers and do all things in respect of such land as he might exercise and do if the State Government had issued a notification under the provisions of section 4 of the Land Acquisition Act, 1894 (Act 7 of 1894) to the effect that land in that locality is likely to be needed for a public purpose ; and
- (f) set up and maintain gauge discharge of all measurement stations and do all other things necessary for purposes of such inquiry and-examination.

Inspection & regulation of use of water.

6. Any Canal Officer duly empowered in this behalf may enter upon any land, building, water course or field channel on account of which any water rate is chargeable for the purpose of inspecting or regulating the use of the water supplied, or of measuring the land irrigated thereby or chargeable with a canal revenue and doing all things necessary for the proper regulation and management of the irrigation works from which such water is supplied.

Power to prevent accident.

7. (1) In case of any accident being apprehended or happening to an irrigation work, any canal officer empowered in this behalf may enter upon of into any immovable property in the neighbourhood of such irrigation work or such other immovable property as may be necessary for the purpose, and take trees and other materials and such other steps as may be necessary and execute all works which may be necessary for the purpose of preventing such accident of repairing any damage done.

(2) In determining compensation for taking trees and other materials and principles laid down in section 60 shall be followed.

Regulation of flood to prevent damage.

8. Where any irrigation work is being damaged or damage to any irrigation work is apprehended due to floods, any Canal Officer duly empowered in this behalf may, in the interest of the safety of the irrigation work regulate the floods by operating gates or gated waste weir on the irrigation work or regulate the Canal as the case may be.

9. Where a Canal Officer proposes under the provision of sections 5, 6, or 7 to enter into any building of enclosed court or garden attached to a dwelling house, not supplied with water from an irrigation work, and not adjacent to a flood embankment, he shall give to the occupier of such building, court or garden such reasonable prior notice as the urgency of the case will allow.

Notice to enter land or garden.

10. Canal Crossings :

(1) There shall be provided at the cost of the State Government suitable means of crossing canals constructed or maintained at the cost of the State Government at such places as the State Govt. thinks necessary for the reasonable convenience of the inhabitants of the adjacent lands.

Provision for Canal crossings.

(2) No suit shall lie in a Civil court against the State Government to enforce the construction of a crossing of a Canal, or to enforce the altering of a crossing or for compensation for damage arising from the absence or inadequacy of any crossing, or to be modified or set aside any scheme frame or ordered passed under this section.

*Explanation* :—Suitable means of crossing Canals include means for the passage of traffic and of water.

11. If the State Government is satisfied that any land for the construction of an irrigation work, excluding water courses, field channels and field drains or for the maintenance, improvement or extension of an existing irrigation work excluding water courses, field channels and field drains, is needed, the State Govt. may acquire the land by following the provisions of the land acquisition Act, 1894 (Act 1 of 1894) except to the extent specifically stated to the contrary in this chapter.

Acquisition of Land.

12. (1) Notwithstanding anything to the contrary in the Land Acquisition Act, 1894 (Act 1 of 1894) the Collector may after holding such enquiry as he deems necessary make an estimate of the amount of compensation payable in respect of the land, needed for purposes specified in section 11 of this Act, for which declaration under section 6 of the aforesaid Act has been made, including compensation for the standing crops, trees and structures, if any, on such land and for any physical damage caused to them, within three months of the declaration.

Pro. edure for acquisition of land.

(2) The Collector may take possession of the land after tendering the estimated amount of compensation, as stated in sub-clause(1), to the person having an interest in the land and the land shall thereupon vest absolutely in the State Government free from all encumbrances.

(3) If any person having an interest in the land acquired by the State Government does not agree with the estimated amount of compensation, he may require that the matter be referred by the Collector for determination by the court in accordance with section 18 of the Land Acquisition Act, 1894 (Act I of 1894).

(4) In all other matters relating to compensation including principles for determining compensation, the provision of the Land Acquisition Act, 1894 (Act I of 1894) shall be applicable.

CHAPTER III  
WATER COURSES AND FIELD CHANNELS

Draft schemes for water courses & field channels.

13. (1) Notwithstanding anything contained to the contrary in this Act and subject to the rules prescribed by the State Government in this behalf, the Divisional Canal Officer may on his own motion or on the application of an owner or occupier, prepare a draft scheme to provide for all or any of the matters, namely:

- (a) the construction, alteration, extension and realignment of any water course, or existing water course constructed or maintained by the owners or occupiers;
- (b) reallocation of areas served by one water course to another;
- (c) the lining of any water course;
- (d) the occupation of land for the deposit of soil from water course clearance;
- (e) any other matter which is necessary for the proper maintenance and distribution of supply of water from a water course.

(2) Every scheme prepared under sub-section (1) shall amongst other matters, set out the estimated cost thereof, the realignment of any water course or existing water course, as the case may be the site of the outlet, the particulars of the owners or occupiers to be benefitted and other persons who may be affected thereby and a sketch plan of the area proposed to be covered by the scheme.

Publication of draft scheme & objections thereof.

14. (1) Every scheme shall, as soon as may be after its preparation, be published in such form and manner as may be prescribed inviting objections and suggestions with respect thereof within twenty one days of the publication,

(2) After consideration of such objections and suggestions, if any, the Divisional Canal Officer shall approve the scheme either as it was originally published or in such modified form as he may consider fit and publish the same.

(3) The Superintending Canal Officer may, on his own motion at any time, on an application by any person aggrieved by the approved scheme made within a period of thirty days from the date of publication of the particulars of the scheme under sub-section (2), revise the scheme approved by the Divisional Canal Officer.

Provided that such revision shall not be made without affording the persons affected an opportunity of being heard.

(4) As owner or occupier aggrieved by the order of the Divisional Canal Officer in respect of a scheme which has not been approved may prefer as scheme, within thirty days of the passing of the order, to the Superintending Canal Officer whose decision shall be final.

- (1) After a scheme has been approved by the Divisional Canal Officer, or where an appeal is pending before the Superintending Canal Officer after it has been disposed of by him, the Divisional Canal Officer shall acquire the land by agreement with the owners thereof, or the Divisional Canal Officer shall publish in the manner prescribed a notice of his intention to acquire the land required for implementation of the scheme.
- (2) Any person interested may, within fifteen days from the date of publication of the notice thereof apply to the Divisional Canal Officer by petition stating his objection to the proposed acquisition.
- (3) After considering the objections, the Divisional Canal Officer may make an order for acquisition of the land.
- (4) After fifteen days of the order made under sub-section 3, the Divisional Canal Officer may take possession of the land, and the said shall vest absolutely in the State Government free from all encumbrances.
- (5) The Divisional Canal Officer shall make an award of compensation, including compensation for standing crops, trees and structures, if any, on such land and for any physical damage caused to them within six months of the making of the order under sub-section (3).
- (6) In determining the amount of compensation of the Divisional Canal Officer shall give reasonable opportunity of being heard to the person having interest in the land.
- (7) The amount of the compensation shall be the market value at the time of publication of the notice under sub-section (1) which shall be fixed in comparison with the prevailing market value of similar lands in the neighbourhood.
- (8) The amount of the compensation shall be paid within thirty days of the award by the Divisional Canal Officer.
- (9) A person aggrieved by the order of the Divisional Canal Officer in respect of compensation may prepare an appeal within thirty days of the passing of the order to the Superintending Canal Officer who shall decide the same, and no further appeal shall lie from such a decisions.

16. (1) The Divisional Canal Officer shall, after getting the occupation of the land under sub-section (4) of section 15, take steps to implement the scheme at the cost of the State Government.

Implement-  
ation of  
scheme.

(2) Any water course constructed under sub-section (1) shall be the property of the State Government.

(3) Unless ordered by the State Government to the contrary, any extension alteration or realignment of water course at the instance of the owners or occupiers shall be done at the cost of the owners or occupiers.

Maintenance  
of water  
courses.

17. On execution of the scheme, the Divisional Canal Officer shall on requisition in writing, direct the owners or occupiers to take over any owner or occupier to comply with the direction, he shall make arrangements for maintenance of the water course at the cost of such owners or occupiers in proportion to the culturable commanded area under the scheme held by them.

Power to  
order construction of  
bridges, culverts &  
other works.

18. (1) The Divisional Canal Officer may issue an order to the persons using any field channel to construct suitable bridges, culverts or other works as approved by the Divisional Canal Officer for the passage of the water of such field channel across any public road, canal or drainage channel in use before the said field channel was made, or to repair any such work.

(2) Such order shall specify a reasonable period within which such construction or repairs shall be completed.

(3) If, after the receipt of such order, the persons to whom it is addressed do not within the said period, construct or repair such works to the satisfaction of the said Divisional Canal Officer he may with the previous approval of the Superintending Canal Officer, himself construct or repair the same, and demand the cost of such construction or repairs.

Restoration  
& repairs of  
damage to  
water courses

19. (1) If a person demolishes, alters, enlarges, obstructs or encroaches upon a water course or field or causes any damage thereto, any person affected thereby may apply to the Divisional Canal Officer for direction the restoration of the water course or field channel to its original conditions.

(2) The Divisional Canal Officer may, on his own motion, or on receiving an application under sub-section (1), after making such enquiry as he may deem fit, require, by a notice, in writing served on the persons found to be responsible for so demolishing, altering, enlarging, obstructing, encroaching or causing damage to restore, at his own cost, the water course or field channel to its original condition within such period as may be specified in the notice.

(3) If such person fails, to the satisfaction of the Divisional Canal Officer, to restore the water course or field channel to its original condition within the period specified in the notice served on him under sub-section (2), the Divisional Canal Officer may cause the water course or field channel to be restored to its original condition and recover the cost incurred in respect of such restoration from the defaulting person.

(4) Any person aggrieved by the order of the Divisional Canal Officer may prefer an appeal, within thirty days of the passing of such order, to the Superintending Canal Officer, whose decision on such appeal shall be final.

Power to fix  
extent of  
liability for  
damage on  
negligent  
owners.

20. (1) If any person who is jointly responsible with others for the maintenance of a water course or field channel, or jointly making use of a water course with others, neglects or refuses to pay his share of the maintenance, or to execute his share of any work necessary for such maintenance, the Divisional Canal Officer, on receiving an

application in writing from any person injured by such neglect or refusal, shall serve notice on all the parties concerned that on the expiration of fifteen days from the service he shall investigate the case, and shall, on the expiration of that period, investigate the case accordingly and make such order thereon as he deems fit.

(2) Such order shall be appealable to the Superintending Canal Officer, whose order thereon shall be final.

(3) Any sum directly by such order shall be paid within a specified period.

21. (1) Whenever application is made to a Divisional Canal Officer for supply of water from irrigation work, and it appears to him expedient that such supply should be given and that it should be conveyed through some field channel, he shall give notice to the persons responsible for the maintenance of such field channel to show cause, on a day not less than fourteen days from the date of such notice, why the said supply should not be so conveyed, and after making enquiry on such day, the Divisional Canal Officer shall determine whether and on what conditions the said supply shall be conveyed through such field channel.

Application for supply of water and disposal thereof.

Provided that such application is made for lands already included in the irrigation work.

(2) Any person, aggrieved by the determination of the Divisional Canal Officer, may prefer an appeal to the Superintending Canal Officer within thirty days of such determination.

(3) When the Divisional Canal Officer determines that supply of water of an irrigation work may be conveyed through any field channel as aforesaid, his decision shall, when confirmed or modified by the Superintending Canal Officer on appeal, be binding on the applicant and also on the persons responsible for the maintenance of the said field channel.

(4) Such applicant shall not be entitled to the said channel until he has paid the expense of any alteration of such field channel necessary in order to his being supplied through it, and also such share of the cost of such field channel as the Divisional Canal Officer or, as the case may be, Superintending Canal Officer may determine.

(5) Such applicant shall also be liable for his share of the cost maintenance of such field channel so long as he uses it.

22. (1) Any person desiring that a field channel should be transferred from its present owner to himself may apply in writing to the Canal Officer, stating—

Transfer of field channel & condition thereof.

- (a) that he has endeavoured unsuccessfully to procure such transfer from the owner of such field channel;
- (b) that he desires the said canal officer, in his behalf and at his cost, to do all things necessary for procuring such transfer;
- (c) that he is able to defray the cost of such transfer.

- (2) If the Divisional Canal Officer considers—
- (a) that the said transfer is necessary for the better manage out of the irrigation from such field channel, and
  - (b) that the statements in the application are true. The Canal Officer on receipt of such an application, shall call upon the applicant to make such deposit as he considers necessary to defray the cost of the preliminary proceedings, and the amount of any compensation that may become due under the provisions of section 27 in respect of such transfer, and upon such deposit being made, he shall publish a notice of the application in every village, and shall send a copy of the notice to the Collector of every district through which such field channel passes.

Objection to transfer & disposal thereof.

23. (1) Within twenty one days of the publication of a notice under section 22, any person interested in the field channel to which the notice refers may apply to the Divisional Canal Officer by petition stating his objections to the transfer for which application has been made.

(2) The Divisional Canal Officer may either reject the petition or may proceed to enquire into the validity of the objections, giving previous notice to persons concerned stating the place and time at which such enquiry will be held.

Provided that such notice shall also be given to the Collector of the district through whose jurisdiction the field channel passes.

(3) The Divisional Canal Officer shall record in writing all orders passed by him under this section and the grounds thereof.

Intimation of transfer.

24. If he such objection is made, or where such objection is made and the Divisional Canal Officer overrules it, he shall intimate the Collector to that effect, and shall transfer the field channel from the present owner to the applicant.

Disposal of objection and intimation thereof.

25. If the Divisional Canal Officer considers any objection made as aforesaid to be valid he shall inform the Collector accordingly.

Final authority for disposal of objections.

26. (1) If the Collector disagrees with the Divisional Canal Officer, the matter shall be referred for decision to the Superintending Canal Officer.

(2) The decision of the Superintending Canal Officer shall be final and the Divisional Canal Officer, if he is so directed by such decision, shall subject to the provisions of section 27, cause the transfer of the field channel from the present owner to the applicant.

Compensation to be paid by transferee.

27. (1) No such decision shall be made by the Divisional Canal Officer until the applicant has paid to the person such amount as the Divisional Canal Officer determines to be paid as compensation for field channel so transferred, together with all expenses incidental to such transfer.

(2) In determining the compensation to be paid under this section, the Divisional Canal Officer shall follow the provisions of the Land Acquisition Act, 1894 (Act 1 of 1894) but he may, if the person to be compensated so desires, award such compensation in the form of a rent charge payable in respect of the field channel transferred.

(3) Any person aggrieved by the order of the Divisional Canal Officer regarding compensation may prefer an appeal to the Superintending Canal Officer within thirty days of the order. The order of the Superintending Canal Officer on such appeal shall be final.

28. (1) When a field channel is transferred to the applicant, the following rules and conditions shall be binding on him and his representative in interest, namely:

Obligations  
& liabilities  
of the trans-  
feree.

(a) All works necessary for the passage across such field channel, existing previous to its construction and of the drainage intercepted by it, and for affording proper communications across it for the convenience of the neighbouring lands shall be constructed by the applicant, and be maintained by him or his representative-in-interest to the satisfaction of the Divisional Canal Officer.

(b) In case in which a field channel is transferred on the terms of a rent charge, the applicant or his representative-in-interest shall so long as he occupies such field channel, pay rent for the same at such rate and on such days as are determined by the Divisional Canal Officer when the applicant is placed in occupation.

(c) The Divisional Canal Officer may, on the application of the person entitled to receive such rent or compensation, determine the amount of rent due or assess the amount of such compensation.

(2) If any field channel transferred under this Act is dis-used for three years continuously, the right of the applicant or of his representative in interest, to occupy such field channel shall cease absolutely.

29. (1) Whenever it appears expedient to the Divisional Canal Officer either on his own motion or on the application of an owner or occupier that with a view to utilising irrigation potential created by an irrigation work, field channels should be constructed in any area, he may cause to be served on the owner or occupier concerned a notice in the prescribed form containing the exact location of sluices or outlets on the irrigation works and specifying the area of irrigable land to be served by the same and direct them to construct such field channels at their own cost within a specified time which shall not be more than six months from the date of issue of the notice.

Power to re-  
quire cons-  
truction of  
field channels  
& Procedure  
thereof.

(2) If the owner or occupier fails to construct the field channels in his land as directed by the Divisional Canal Officer within the time prescribed under sub-section (1), the Divisional Canal Officer may, after giving the owner or occupier a reasonable opportunity of being heard, make an order excluding such land from the culturable command area.

(3) Any person aggrieved by an order of the Divisional Canal Officer under sub-section (2) may, within a period of thirty days from the date on which the order was served on him, appeal against such order by the Superintending Canal Officer ;

Provided that the Superintending Canal Officer may admit an appeal presented after the expiry of the period of thirty days, if he is satisfied that the applicant had a sufficient cause for not presenting the appeal within the said period.

(4) In disposing of an appeal, the Superintending Canal Officer may after giving the applicant a reasonable opportunity of being heard, pass such order on the appeal as he deems fit. The order of the Superintending Canal Officer on such appeal shall be final.

(5) The Divisional Canal Officer may construct the field channels at the cost of the State Government and recover the cost pro-rata from the owners or occupiers.

Owner's duty to maintain field channel.

30. (1) It shall be the duty of owners or occupiers to maintain the field channels in a proper state of repairs at their own cost.

(2) If the Divisional Canal Officer is satisfied that any field channel is not being properly maintained, he shall after providing an opportunity to the owner or occupier concerned to take such action as may be directed by him, proceed to have such repairs made as he may consider to be suitable at the cost of the owners or occupiers.

Acquisition of Canal then disputed.

31. (1) When there is any dispute between the owners or occupiers for the construction of a field channel, the Divisional Canal Officer shall acquire the land required for such construction.

(2) The provisions relating to acquisition of land for the construction of water courses mentioned in section 15 shall apply for acquisition of land for the construction of field channels with the modification that the compensation payable shall be paid by the owners or occupiers.

Prohibition of diversion.

32. No land acquired under this Act for the construction of water courses and field channels shall be used for any other purpose without the order of the Divisional Canal Officer.

Preparation of scheme for on farm Development.

33. (1) Notwithstanding anything contained to the contrary in this Act and subject to the rules, that may be made by the State Government in this behalf an authority specified by the State Government for the purpose may, on his own motion or on the application of not less than fifty percent of the owners or occupiers of lands in the cultivable commanded area, prepared a draft scheme to provide for on farm development on a group or block of fields.

(2) Every scheme prepared under the sub-section(1) shall among other matters, set out the cost of the farm on development works, a sketch plan of the area proposed to be covered by the said scheme and particulars of the owners or occupiers to be benefitted by the said scheme.

(3) Every scheme shall, as soon as may be after its preparation, be published in such form and manner as may be prescribed inviting objections and suggestions with respect thereof within twenty one days of the publication.

(4) After consideration of such objections and suggestions, if any, the specified authority shall approve the scheme either as it was originally published or in such modified form as he may consider fit and publish the same.

(5) An owner or occupier aggrieved by the order of the specified authority in respect of a scheme, which has not been approved, may prefer an appeal, within thirty days of the passing of the order to such officer specified as the appellate authority by the State Government in this behalf whose decision shall be final.

(6) After a scheme has been approved by the specified authority under sub-section (4) or where an appeal is, pending before the appellate authority under sub-section (5), after it has been disposed of by him, the scheme shall be published in such manner as may be prescribed and upon such publication, it shall be executed or not executed by the owners or occupiers in the group or block of fields at their cost, within such period of time as may be specified by the specified authority.

(7) In the event of the failure of any or all of the said owners or occupiers to execute the works within the said period of time specified by the specified authority or in the event of any or all the owners or occupiers informing in writing the specified authority prior to the expiry of the said period of time that they are unable to execute or get executed the works as required, the works may be carried out by the State Government or by an agency determined by the State Government in that behalf, and the cost of the works so executed by the State Government or by the said agency, as the case may be, shall be recoverable by the State Government or the said agency, as the case may be, from the owners or occupiers who fail, or indicate their inability to execute or get executed the works as required.

(8) The share of the individual owners or occupiers of the cost of the work executed in the said group or block of fields by the State Government or by the said agency, as the case may be, shall be as determined by the State Government or by the said agency, as the case may be.

34. Notwithstanding anything contained in this act of any other law for the time being in force, no civil court shall have jurisdiction to entertain or decide any question relating to matters falling within this chapter.

Barring jurisdiction of Civil Court.

#### CHAPTER IV

##### REGULATION OF IRRIGATION SUPPLIES

35. The provisions of this Chapter shall apply in respect of water from an irrigation works supplied under sections 37, 38 & 43.

Application of the chapter.

36. Water from an irrigation work may be supplied—

Supply of water from irrigation work.

- (a) as provided in section 37 ;
- (b) on an application for irrigation or non-irrigation purposes as provided in section 38 ; or
- (c) under a scheme in accordance with the provisions of section 43.

Power to regulate irrigation work.

37. A Divisional Canal Officer duly empowered by the State Government by a notification in respect of any irrigation work or class of irrigation works may, after such inquiry as he deems fit, regulate in respect of any irrigation work for each year or part thereof or for a specified term of years at a time, as circumstances may require —

- (i) the time for letting out water for irrigation.
- (ii) the period of supply;
- (iii) the quantity of supply; and
- (iv) the areas to be supplied at different times.

*Explanation* :—A land shall be deemed to have been supplied with water notwithstanding that the water is not utilised for irrigation provided that such non-utilisation is due solely to the action or inaction on the part of the owners or occupiers interested in such land.

Application for supply of water.

38. (1) Any person, desiring to have supply of water from an irrigation work for irrigating land not included in any area to which supply of water is regulated under section 37, shall make a written application to that effect to the Divisional Canal Officer, subject to any general or special order made by the State Government determining the extent of lands for which water can be made available from such irrigation work, such officer may, if in his opinion such supply can be made without detriment to the supply of water to lands included in any areas to which supply of water is regulated under section 37, order the supply of water and for such period not exceeding six years subject to such conditions as may be specified in such order.

(2) If after a period of six successive years of supply of water made to any land referred to in sub-section (1), the occupier of such land applies for the supply of water being made permanent such application, with the opinion of the Divisional Canal Officer, shall be forwarded to the Superintending Canal Officer concerned who shall take steps to include the land in the area to which supply of water is regulated by section 37.

(3) The water rate leviable for the use of water for temporary cultivation under sub-section (1) shall be the normal water rate.

(4) With the sanction of and subject to such conditions, payments and restrictions, as may be imposed by the State Government or such officer as may be authorised by the State Government in this behalf, the divisional canal officer, may without detriment to the supply of water to lands included in any area to which supply of water is regulated under section 37, give permission for water to be taken from an irrigation work, for purposes other than those of agriculture.

(5) If any person uses water from an irrigation work without obtaining the permission required under this section, he shall in addition to any penalty he may incur under this act for such unauthorised use of water, be liable to pay water rate at such rate as may be determined by the prescribed officer, not being less than ten times and not exceeding thirty times the normal rate he would otherwise have been required to pay, had he applied for and obtained the permission.

39. (1) The supply of water to any water course or field channel or to any person who is entitled to such supply shall not be stopped, except,--
- Conditions  
for stop-  
ping supply
- (a) whenever and no long as it is necessary to stop such supply for the purpose of maintenance of an irrigation work or execution of any work ordered by the competent authority.
  - (b) whenever and so long as any field channel by which such supply is received is not maintained in such repair as to prevent the wasteful escape of water thereof ;
  - (c) whenever and so long as it is necessary to do so in order to supply in rotation the legitimate demands of other persons entitled to water ;
  - (d) whenever and so long as it may be necessary to do so in order to prevent the wastage or misuse of water ;
  - (e) within the periods fixed from time to time by the Divisional Canal Officer of which due notice shall be given ;
  - (f) whenever there is diminution in the supply of water in the irrigation work due to any natural or seasonal cause, and so long as it is necessary to do so.
  - (g) for any reasons beyond the control of the Divisional Canal Officer.
  - (h) His claim shall be made against the State Government for compensation in respect of loss caused by the failure or stoppage of water from an irrigation work ;

Provided that the person suffering such loss may claim such remission of the charges payable for the use of the water as is specified by the State Government.

40. (1) Except with the permission of the Superintending Canal Officer no person entitled to use the water of any irrigation work shall sell or sub-let or otherwise transfer his right to such use it for unauthorised purposes.
- Transfer of  
right of  
water.

Provides that no permission shall be necessary for use of water for authorised purposes by a cultivating tenant of water supplied by the owner of a field channel for the irrigation of the land held by such tenant.

- (2) Every right to the supply of water for agricultural purposes to any land or other immovable property shall be attached thereto and shall be presumed to have been so transferred whenever a transfer of such land or immovable property takes place.

41. When water from an irrigation work is supplied for the irrigation of one or more crops only, the right to use such water shall be deemed to continue only until such crop or crops shall come into maturity, and to apply only to such crop or crops.
- Restriction  
to supply of  
water.

Declaration  
for adapta-  
tion of  
a particular  
crop pat-  
tern.

42. (1) Where the State Government is satisfied that for the better cultivation of lands and production of crops and due preservation and proper utilisation of water resources of any irrigation work, or in the public interest, it is expedient to regulate the kind of crops that should be sown, planted or grown on lands under the irrigable command of an irrigation work or any part thereof, and the period during which such crops should be sown, planted or grown on such lands, the State Government may, having regard to the soil characteristics, climate, rainfall and water available by order in writing make a declaration to that effect. Such a declaration shall be given in public notice in such manner by the Canal Officer authorised by the State Government as may think fit.

(2) On such a declaration, the Canal Officer with the approval of the superior officer authorised by the State Government may specify by notice published in such manner as may be determined by him, the kind of crops that shall be sown, planted or grown on the lands under the irrigable command of the irrigation work or any part thereof, the area of crops and the periods during which such crops shall be sown, planted or grown. The Canal Officer shall be subject to the provisions of sections 39(1) and 40(2), thereupon by order regulate the supply of water from the irrigation work for sowing, planting and growing such crops during the periods specified in the order.

(3) The State Government may, by notification in the official Gazette, make rules for determining the crops and the periods during which such crops may be sown, planted or grown and for regulating supply of water for the purpose. Such rules may provide for fixing the extent of irrigation for sowing, planting or growing different crops on the lands under the irrigable command of an irrigation work.

(4) On the publication of the notice under sub-section (2), no person shall sow, plant, or grow or allow any crop, other than the crop or crops specified in such notice, to be sown, planted or grown on any land under the irrigable command of the irrigation work or any part thereof, specified in such notice and during the period specified therein.

(5) Any person aggrieved by any notice given under sub-section (2), may, within thirty days from the date of publication of such notice, file an appeal before such officer not below the rank of Superintending Canal Officer as the State Government may appoint. The appellate officer may on hearing the parties pass such order as he thinks fit; and thereupon, the notice shall stand modified to such extent as may be specified in the order.

(6) The person, who has sown, planted or grown any unauthorised crop, or allowed any land to be sown, planted or grown with such unauthorised crop, shall—

(a) be liable for contravening the provisions of this section; and

- (b) also be liable to pay such water rate, as may be prescribed by the State Government not being less than five times and not exceeding ten times the water rates which he would otherwise have been required to pay in addition to any penalty he may incur under the Act for such unauthorised crop.

Provided that if no water is utilised either directly or indirectly from the irrigation work for growing any crop, the provisions of sub-sections (4) and (6) shall not be applicable.

43. (1) Where, in the opinion of the State Government and irrigation work is likely to irrigate lands not exceeding 200 hectares in an area or as may be prescribed in the State Government, in the public interest, by notification prepare a draft scheme, for supply of water from such irrigation work to such lands. The draft scheme shall provide for handing over the management of the irrigation work and distribution of water therefrom to the water committee appointed under section 45.

Preparation  
of draft  
scheme for  
irrigation  
work.

(2) The draft scheme shall contain the following particulars, that is to say :—

- (a) the area to which the scheme applied;
- (b) the survey numbers of lands included in such area and the names of owners and occupiers thereof;
- (c) the period or periods during which water will be supplied to such lands;
- (d) the crop or crops which will be permitted to be grown thereon;
- (e) the water rate at which water may be supplied to such land included in the scheme;
- (f) the amount to be paid by the State Government for management of the irrigation work to the water Committee; and
- (g) fixing a period of not less than three months from the date of publication of such notification for submission of objections or suggestions to such scheme.

(3) After the publication of such notification, it shall also be published by the Canals Officer duly empowered in this behalf as soon as practicable in the language of the residents of the area through which the irrigation work passes in such place or places and in such manner as he thinks fit for the information of the owners and occupiers who are likely to be affected by such notification.

(4) After considering such objections and suggestions, if any, as may have been received within the period fixed as aforesaid, the State Government may, after making due inquiries, sanction the draft scheme with or without any modifications or may reject it.

(5) The scheme as sanctioned under sub-section (4) shall be published in the Official Gazette and in the village and at the

headquarters of the Taluk and of the district in which the lands included in the scheme as situated in such manner as the State Govt. deems fit, and shall, on such publication, be final.

Enforcement,  
modification  
& cancella-  
tion of  
draft scheme.

44. (1) The scheme shall come into force on such date as the Govt. may, by notification appoint.

(2) The scheme may at any time be varied by a subsequent scheme made, published and sanctioned in accordance with the provisions of section 43.

(3) The scheme may at any time be cancelled by State Govt. by a notification.

Appointment  
of water  
committee  
& its func-  
tions.

45. (1) After a scheme has come into force under sub-section (1) of section 44, the State Govt. shall appoint a water Committee to execute the scheme, subject to the Superintendence, direction and control of the Canal Officer appointed by the State Govt. for the purpose.

(2) The water Committee shall consist of five persons or as may be prescribed, appointed from amongst the owners and occupiers of lands included in the scheme.

(3) The member or the members may be appointed by the State Government or any officer thereof duly empowered by it in that behalf.

(4) The members of the Committee shall ordinarily hold office for a period of two years from the date of their appointment.

(5) The members of the Committee shall hold office at the pleasure of the State Government and the State Government may terminate the appointment of all or any of the members of the Committee at any time by an order in writing in that behalf.

(6) The water committee may meet from time to time, and may follow such procedure as it deems fit for the transaction of its business.

(7) the water Committee shall :—

- (a) manage the irrigation work and ensure proper distribution of water to the lands included in the scheme;
- (b) decide the crops to be grown during any period or periods according to the provision of the scheme;
- (c) carry out day to day maintenance and repairs of the irrigation work;
- (d) maintain the irrigation system of the irrigation work beyond the outlet in a fit condition for supply of water;
- (e) assist the canal Officer—
  - (i) to detecting and preventing encroachment in the irrigation work and on the lands appertaining thereto;

(6) The applicant may re-submit the proposal to the Board after removing the defects or objectionable features and such application shall be disposed of by the Board under sub-section (3) as if it were a fresh application.

(7) If in course of execution of any work after obtaining the permission of the Board, the applicant desires to make any substantial alteration in the approved plan, a fresh application shall be made to the Board as if the modified plan constituted a fresh proposal and, pending the disposal of such fresh application by the Board under sub-section (3), the construction work shall be suspended by the applicant.

(8) Any person feeling aggrieved by an order issued by the Board under sub-section (3) sanctioning any proposal subject to conditions or rejecting it, may, within three months of the date of the order of the Board, prefer an appeal to the State Government whose order in the matter shall be final.

(9) If any person constructs or re-constructs any structure or lays out any means of access without obtaining the permission of the Board, or where permission of the Board has been obtained, makes in course of execution of the work any substantial deviation from the approved plan, the Board may, without prejudice to any other proceedings which may be taken against him, have the structure removed or the means of access closed and recover from him the expenditure involved, together with 15% departmental charges, in accordance with the procedure prescribed under Section 23 in so far as that procedure is applicable.

(10) The Board shall be the sole judge of what constitutes substantial deviation from the approved plan for purposes of sub-section (9).

31. (1) Where after the issue of a notification under sub-section (2) of Section 29 it appears to the Board that the planned development of the notified area can be secured only by acquiring land in that area, it may, with the prior consent of the State Government, acquire the entire area or such part of it as may be considered necessary, either by direct negotiation with the owner or failing such negotiation, by resort to the provisions of the Land Acquisition Act, 1894.

Planning Board to acquire land for planned development, where necessary.

(2) Such area as may be acquired under sub-section (1) shall be properly laid out by the Board, the necessary improvements effected and sites assigned sold or leased to the public for a specified period not exceeding 99 years, for construction according to approved plans.

CHAPTER—VIII  
LEVY OF BETTERMENT TAX

Planning Board to decide on levy of betterment tax with the consent of State Government who shall determine the rate of levy.

32. (1) Where a Board is of the opinion that the value of land in any area in its charge is likely to increase as a result of the development at public expense of any area adjoining a highway, it may, with the previous consent of the State Government, decide to levy a betterment tax in respect of such area :

Provided that where in pursuance of Section 31 the Board has acquired any area and has had it properly laid out and sold or leased to the public, no betterment tax shall be levied in respect of such area.

(2) The State Government, when approached by the Board under sub-section (1) for its consent to the levy of betterment tax in any area, shall while giving such consent determine the percentage rate, not exceeding 80% of the betterment value, at which the tax shall be levied in such area and communicate the same to the Board.

(3) Where it is decided to levy a betterment tax in respect of any area, the Board shall cause the decision to be notified in the official gazette and shall also secure further publicity to the notification in the manner prescribed under sub-section (4) of Section 11.

(4) The notification shall specify :—

- (a) the exact area in which the betterment tax is to be levied,
- (b) the date on which the prevailing land value shall be deemed to be the basic value for purposes of commencing betterment, and
- (c) the percentage rate of betterment value at which betterment tax shall be levied, as determined by the State Government under sub-section (2).

(5) When the development or improvement of the area adjoining the highway has been completed or, in the opinion of the Board, has reached a stage sufficiently advanced to enable the resulting betterment to be determined, the Board shall notify in the official gazette the date on which the execution of the scheme has been completed or shall be deemed to have been completed, and shall also cause further publicity to such notification in the manner prescribed under sub-section (4) of Section 11.

Computation of betterment value.

33. (1) For land which has already been built upon or on which permission to build has already been accorded before the date notified under sub-section (5) of Section 32, betterment value shall be the value on that date less the basic value as computed with reference to the date notified under sub-section (4) of that Section less, the estimated cost of improvement work, if any, carried out by the owner between the two dates.

(2) For land which on the date notified under sub-section (5) of Section 32 has neither been built upon nor in respect of which permission to build has been accorded before that date, the betterment value shall be the value on the date when permission to build is granted less the basic value as computed with reference to the date notified under sub-section (4) of Section 32, less the estimated value of improvement, if any, carried out by the owner between the two latter dates.

34. (1) The Board shall, at any time after a month of the publication of the notification under sub-section (5) of Section 32 assess the amount of betterment tax payable by every individual owner of land, and shall serve a notice on him in writing in the prescribed manner, specifying the amount of the tax payable by him, the details of calculation, the instalments if any in which payment may be made, the date or dates on or before which payment of the full amount or of the instalments shall be made, and the authority to whom payment shall be tendered.

**Assessment  
of Better-  
ment tax.**

(2) Any person on whom a notice for payment of betterment tax has been served under sub-section (1), may within one month from the date of service of such notice, file an objection before the Board in respect of the assessment made against him. Provided that the Board shall have discretion to entertain objections even after the expiry of the period of one month if it is satisfied that the failure to file such objections in time was due to causes beyond the control of the objector.

(3) After an opportunity has been given to the objector of being heard in person or through pleader the Board may confirm, modify or cancel the assessment made under sub-section (1).

(4) Any person aggrieved by the order issued by the Board under sub-section (3) may, within two months from the date of such order, appeal to the appropriate Civil Court.

(5) If any person on whom a notice has been served under sub-section (1), fails to file any objection under sub-section (2), the assessment shall be conclusive and shall not be questioned in any court of law.

35. (1) The person liable to pay a betterment tax may, if he has option, instead of making either a lump-sum payment or payment by instalments where allowed by the Board, execute an agreement with the Board or any other authority specially authorised by the State Government in this behalf, to leave the said liability outstanding as a charge on his interest in the land subject to the payment in perpetuity of interest at the rate of 6% per annum.

**Betterment  
tax may at  
option of  
the owner  
of land be  
made a  
charge on  
his interest  
in the land.**

(2) A person who has exercised his option under sub-section (1) may at any time after giving six months notice of his intention so to do, redeem the charge of paying the assessed amount of betterment tax or such part of it as may have been outstanding against him at the time he executed the agreement under sub-section (1).

36. Arrears of betterment tax shall be realised in the manner provided for the recovery of arrears of land revenue.

**Arrears of  
betterment  
tax to be  
recovered  
as arrears  
of land  
revenue.**

Appropriation of the proceeds of betterment tax.

37. The proceeds of the betterment tax, levied in any area, shall after deduction of the assessment and collection charges, be made over by the Board to the Provincial Government may direct.

#### PART IV

#### MISCELLANEOUS AND SUPPLEMENTAL PROVISIONS

#### CHAPTER—IX

#### SUPPLEMENTAL PROVISIONS TO SECURE SAFETY OF TRAFFIC AND PREVENTION OF DAMAGE TO HIGHWAY

Prevention of cover structure of view or distraction of attention of persons using any highway.

38. (1) Where a highway authority is of opinion that it is necessary for the prevention of danger arising from obstruction of the view or distraction of the attention of persons using any highway, especially at any bend or corner of the highway, it may serve a notice upon the owner or occupier of land along side or at the bend or corner of such highway to alter or remove altogether, within such time and in such a manner as may be specified in the notice, the height or character of any existing wall, (not being a wall forming part of a permanent structure), fence, hedge, tree, advertisement post, bill board or any other object thereon, so as to eliminate or minimise the apprehended danger.

(2) If any person upon whom a notice has been served under sub-section (1), objects to comply with any requirement of such notice, he may, within 14 days of its receipt send to the highway authority his objection in writing stating the grounds thereof.

(3) The highway authority shall, within 14 days of the receipt of the objection consider the grounds advanced and shall, by order in writing, either withdraw the notice or amend or confirm it.

(4) If a person is aggrieved by an order issued by a highway authority under sub-section (3), he may prefer an appeal within 7 days of the date of such order to the collector or Chief Revenue Officer of the district, whose decision in the matter shall be final.

(5) If any person falls to comply with the notice served on him under sub-section (1) as amended or confirmed as the case may be under sub-section (3) or (4), the highway authority may take action to alter or remove the object causing obstruction or distraction of view at its own expense, and such expenditure together with 15% departmental charges, shall be recovered from such person in accordance with the provisions of Section 23, without prejudice to any other action which may be taken against him.

- (c) benefitted by the construction, expansion improvement or alteration of an irrigation work which is not capable of irrigating more than forty hectares of land.

(2) As soon as may be, after the publication of notification under sub-section (2) of section 52 in respect of any irrigation work, the betterment levy Officer shall prepare a statement showing the lands under irrigable command of the irrigation work in respect of which the betterment contribution in accordance with the provisions of the notification to be issued under sub-section (1) of section 53.

(3) The statement so prepared along with a public notice shall be published in the village and the office of the sub-deputy collector concerned and in such other manner as may be prescribed and such notice shall require the owners of lands under the cultural commanded area of the irrigation work to appear before the Betterment Levy Officer either personally or by agent at a time and place therein mentioned, such time not being earlier than one month from the date of publication of the notice, and to state :—

- (a) to the inclusion of lands in the statement as lands under the irrigable command of the irrigation work ;
- (b) to the inclusion of the lands in the statement as lands of any specified nature and extent of irrigability ; and
- (c) in respect of payment of betterment contribution, the basis on which they claim that the amount of betterment contribution has to be computed and such statement shall be made in writing and signed by the party or his agent.

(4) The Betterment Levy Officer shall also serve notice to the same effect on the owner of such land or his agent authorised to receive service on his behalf, who resides within the revenue district in which the land is situated and in case any owner resides elsewhere and has no such agent, the notice shall be sent to him by registered post.

(5) On the date fixed under sub-section (3) or on such other date to which an inquiry may be adjourned, the Betterment Levy Officer shall after holding an inquiry in the manner prescribed and after giving an opportunity of being heard to every person who has made a statement under sub-section (3), make an order specifying—

- (a) the amount of betterment contribution payable in respect of the said lands ; and
- (b) the date from which such betterment contribution shall be payable.

(6) The State Government or any person aggrieved by an order made under sub-section (5) may, within sixty days from the date of the order, appeal, to the prescribed authority and the authority may pass such orders on the appeal as it may deem fit.

(7) An order passed by the prescribed authority on an appeal preferred to it under sub-section (6) and subject to the orders of the authority the order of the Betterment Levy Officer under sub-section (5) shall be final.

(8) At the end of every four years from the year in which the betterment contribution is finally determined under sub-section (1) any future instalment of such contribution shall be liable to be revised on the same basis as provided in that sub-section.

(9) If, in the opinion of the State Govt. the enforcement of all or any of the provisions of this chapter will cause hardship in any case or cases, the Government may, by notification setting out the ground therefore, exempt either permanently or for specified period such case or cases from all or any of the provisions of this chapter, subject to such conditions, if any, as the Government may deem fit to impose.

Notice of demand for payment of betterment levy.

54. The contribution shall become payable under this chapter on a written notice of demand thereof issue by the Betterment Levy Officer being served on the owner;

Provided that no notice of demand shall be served on an owner until an order made under sub-section (5) of section 53 becomes final ;

Provided further that where, before the commencement of this Act, five years or more have elapsed from the date of completion of the construction, expansion, improvement or alternation of the work such notice may be served at any time after such commencement.

Method of payment of contribution.

55. (1) The owner of any land, in respect of which any contribution is payable, shall pay it in cash in such annual instalments not exceeding twenty as may be prescribed.

Provided that if, on or before the date on which the first instalment is payable, or at subsequent date within a period of two years from that date, the owner pays the entire contribution, as the case may be, he shall be entitled to a rebate as may be prescribed on such contribution or balance of contribution, as the case may be.

(2) Contribution payable under this Act in respect of any land shall be deemed to be revenue demand due upon the said land.

Payment by occupiers.

56. Any person having interest in a lands may, notwithstanding that he is not the owner of such land, the contribution payable by the owner in respect of such land and shall, if such person, pays the entire contribution within a period of two years from the date on which the owner becomes liable to pay the contribution, be entitled to rebate as may be prescribed.

Protection liability for damages.

57. No claim shall lie against the State Govt. for compensation or for the refund of betterment contribution on account of loss occasioned by any temporary failure or stoppage of water in an irrigation work or by any cause beyond the control of the divisional canal officer or by repairs, alterations or additions made to such work.

## CHAPTER VII

OBTAINING LABOUR AND MATERIALS FOR IRRIGATION  
WORK IN EMERGENCY

58. (1) Whenever it appears to the divisional canal officer or any officer acting under his general or special orders in this behalf, that, unless so work or repair is immediately executed, such serious damage will happen to any irrigation work as to cause sudden and extensive public injury or irrigation and that labour necessary for the proper execution thereof cannot be obtained in the ordinary manner in time to prevent such injury or interruption or to remedy it within a reasonable time, the divisional canal officer or any officer acting under the said orders, may, by public proclamation by beat of drum require any able bodied person, who resides or owns land in any village within eight kilometers of the place where the work is to be executed and whose name appears in the list hereafter mentioned to attend in person at such place and to carry out such duties as he may allot to them in connection with the execution of the work necessary for the safety of the particular irrigation work.

Power to requirements services in emergency.

(2) All persons so labouring shall be entitled to payment at rate which shall not be less than the highest rates for the time being paid in the neighbourhood of similar labour.

59. Subject to such rules as may be made in this behalf, the Divisional Canal Officer in consultation with the Collector shall prepare a list of persons liable to carry out the duties as aforesaid, and may from time to time add to or alter such list or any part thereof.

Preparation of list of able bodied persons.

60. Whenever it appears to a Divisional Canal Officer or any officer acting under his general or special orders in this behalf, that it is essential for carrying out urgent works on any irrigation work to prevent public injury caused by damage to works, he may enter upon or into any immovable property in the neighbourhood of the irrigation work requiring immediate, repair, or other work and take possession, appropriate, cut or remove any trees, timber, bamboos, mats, ropes, straw, earth stone and other materials, and prepare an inventory of the materials taken; such materials shall be paid for at the highest prices for which they are sold in the neighbourhood and in case damage is sustained by any person in consequence of the removal, seizure or cutting of any such materials, compensation shall be paid for such damage by the Divisional Canal Officer in accordance with the procedure laid down in sections 68 and 69.

Power to enter and removal obstruction in urgency.

61. Any person aggrieved by fixation of wages under subsection (2) of Section 58 may prefer an appeal within sixty days to the Superintending Canal Officer whose decision shall be final.

Appeal for revision of wages.

## CHAPTER VIII

## DRAINAGE AND PREVENTION OF WATERLOGGING

Prohibition  
of encroach-  
ment.

62. Whenever it appears to the State Govt. that injury to any land or public health or public convenience has arisen or may arise from the encroachment upon any irrigation work, the State Govt. may, by notification, prohibit, within limits to be defined in such notification, the formation of any encroachment, or may, within such limits, order the removal or other notification of such encroachment.

Enactment  
of encroach-  
ment.

63. (1) The Divisional Canal Officer, or other person authorised by the State Govt. in that behalf may, after the notification under section 62 issue an order to the person causing or having control over any such encroachment to remove or modify the same within a time to be fixed in the order.

(2) If within the time so fixed such person does not comply with the order, the Divisional Canal Officer may remove or modify the encroachment and recover the expenses involved in such removal or modification from the person concerned.

Provided that the Divisional Canal Officer may, in cases of emergency, remove the encroachment before the publication of notification and the expenses incurred shall be recoverable from the person concerned.

Notification  
declaring in-  
tention to  
construct  
drainage  
work.

64. (1) Whenever it appears to the State Government that any drainage work excluding field drain is necessary in the interest of public health, or for improvement of any land or for the proper cultivation or irrigation thereof or that protection from floods or other accumulation of water or injurious salts or from erosion by a river, is required for any lands, the State Government may by notification declare that the drainage work shall be constructed after a day to be named in the said notification, not being earlier than three months from the date thereof.

(2) As soon as practicable after the issue of a notification under sub-section (1), the Divisional Canal Officer or any officer duly empowered under this Act shall cause public notice to be given at convenient places, stating that the State Government intends to construct the drainage work excluding field drain referred to in sub-section (1).

(3) The provisions contained in Sections 11 and 12 regarding the acquisition of land for the construction of work shall apply, *mutatis mutandis*, to the construction of drainage work referred to in sub-section (1).

Preparation  
of scheme  
for field  
drains.

65. (1) Notwithstanding anything contained to the contrary in sub-section (1) of section 64, the Divisional Canal Officer may cause a scheme for field drains to be drawn up.

(2) Every scheme drawn up under sub-section (1) amongsts other matters set out the estimated cost thereof, the alignment of the proposed field drain or realignment of the existing field drain, as the case may be, the particulars of the owners or occupiers to

be benefitted and other persons who may be affected thereby and sketch plan of the area proposed to be covered by the scheme.

(3) The provisions contained in Sections 14, 15 and 17 to 20 shall apply *mutatis mutandis* to the scheme drawn up for field drains.

(4) The Divisional Canal Officer may construct the field drains on behalf of the owners or occupiers and recover the cost *pro-rata* from the owners or occupiers.

## CHAPTER IX AWARD OF COMPENSATION

66. Compensation may be awarded in the event of only substantial damage caused by the exercise of any of the powers conferred by this Act, which is capable of being ascertained :

Condition  
for award  
of compen-  
sation.

Provided that no compensation shall be so awarded in respect of any damage arising from—

- (a) deterioration of climate or soil; or
- (b) stoppage of navigation or of the means of floating timber or of watering cattle; or
- (c) stoppage or diminution of the supply of water in consequence of the exercise of power conferred by section 3 if no use has been made of such supply within five years immediately before the date of issue of the notification under section 3; or
- (d) failure or stoppage of water in an irrigation work where such failure or stoppage is due to—
  - (i) any cause beyond the control of the Divisional Canal Officer;
  - (ii) the execution of any repairs, alterations or additions to the irrigation work;
  - (iii) any measures considered necessary by the Divisional Canal Officer, for regulating the proper flow of water in the irrigation work or for maintaining the established course or irrigation; or
  - (iv) circumstances mentioned under clauses (a) to (g) of section 39 :

Provided further that any person who suffers loss from any stoppage or diminution of water supply to his lands due to any of the causes named in clause (d) of the preceding provision shall be entitled to such remission of water rate payable by him as may be authorised by the State Government.

Limitation  
for claim  
of compen-  
sation.

67. No claim for compensation under this Act for any damage shall be entertained after the expiration of one year from the time when the damage complained of commenced, provided that the Divisional Canal Officer on sufficient cause shown to his satisfaction by the claimant for not making the claim within such period may condone the delay, and entertain the claim.

Tender of  
compensa-  
tion for  
entry, da-  
mage etc.

68. (1) In every case of entry upon any land and building or the utilisation of materials under sections 4, 5, 6, 7 and 60 of the Canal Officer or the person making the entry shall ascertain and record the extent of the damage, if any, caused by the entry, or in the execution of any work, to any crop, tree, building or other property and the value of the materials taken or utilised and within one month from the date of such entry, compensation shall be tendered by the Canal Officer to the owner or occupier of the property, as the case may be.

(2) If such a tender is not accepted within a week of the tender, the Canal Officer shall forthwith refer the matter for the purpose of determining the amount of compensation to the Divisional Canal Officer who shall decide the matter with the previous approval of the Superintending Canal Officer.

(3) The Superintending Canal Officer either *suo motu* or on the application of the person concerned, when the matter has not been referred to the Divisional Canal Officer, may revise the order of the Canal Officer within a period of two years from the date of the order.

Method of  
awarding  
and asses-  
sing com-  
pensation.

69. (1) Unless otherwise provided, all claims for compensation under this Act other than claims of the nature provided for in section 68 shall be made to the Divisional Canal Officer concerned.

(2) The Divisional Canal Officer shall enquire into all such claims and determine the amount of compensation, if any, which should be awarded. In determining such amount, the Divisional Canal Officer shall be guided by the provisions of the Sections 23 and 24 of the Land Acquisition Act, 1894.

Provided that regard shall be had to the diminution in the market value, at the time of awarding compensation, of the property in respect of which compensation is claimed; and where such market value is not ascertainable the amount of the diminution of the annual net profits of such property caused by the exercise of the powers conferred by this Act;

Provided further that no order determining the amount of compensation shall be made by the Divisional Canal Officer under this section without the previous approval of the Superintending Canal Officer.

Appeal.

70. Any person aggrieved by the order of the Superintending Canal Officer or the Divisional Canal Officer under Section 68, or of the Divisional Canal Officer under Section 69, may prefer within 90 days from the date of communication of the order, appeal to the prescribed authority.

71. All sums of money payable for compensation awarded under this Chapter shall become due three months after the final award is made, and simple interest of the rate as may be prescribed but not less than five per centum per annum shall be allowed on any such sum remaining unpaid after the said three months, except when the non-payment of such sum is caused by the neglect or refusal of the claimant to apply for or received the same.

Payment of compensation & interest thereof.

## CHAPTER X

### SETTLEMENT OF DISPUTES

72. (1) The Canal Officer, may if he considers necessary pass an order as to the use or distribution of water from a water course or field channel amongst persons in any land or a group of lands or in any holdings or groups of holdings in such land or lands.

Inquiry into disputes for use of distribution of water.

Provided that no such order shall be passed by the Canal Officer without making any inquiry into the matter and without giving notice to all the persons interested that on a day to be named in such notice, he shall proceed to inquire into the said matter.

(2) Whenever a difference arises between two or more persons to regard to their mutual rights or liabilities in respect of the use or maintenance of a water course or field channel or field drain any such person may apply in writing to the Canal Officer stating the matter in dispute.

(3) On receipt of the application under sub-section (2), the Canal Officer shall give notice to the other persons interested, and on a day to be named in such notice, he shall proceed to enquire into such matter and after the enquiry, he shall try to bring about a compromise, between the parties.

(4) On the failure of the Canal Officer to bring about compromise, he shall pass an interim order as regards the use of maintenance of a water course or field channel or field drain pending the disposal of the disputes and he shall forward the dispute to the Divisional Canal Officer along with his findings and the Divisional Canal Officer shall pass an order thereon after giving a hearing to the parties.

(5) The Superintending Canal Officer, within whose jurisdiction the water course or field channel or field drain is situated, may, on his own motion or on an application made in this behalf by an aggrieved person, revise an order passed by a Divisional Canal Officer under sub-section (4):

Provided that no such application shall lie unless it is made within a period of thirty days from the date of such order.

(6) No order passed under this Section shall be liable to be called in question in any civil court.

CHAPTER XI  
SAFETY OF IRRIGATION WORK

Prohibition of interference and obstruction & Irrigation work.

73. Except as may be prescribed, no person other than the Canal Officer shall—

- (a) interfere with or encroach upon an irrigation work; or
- (b) construct any earthen or masonry bund or weir on any channel or stream, flowing above or below any irrigation work.

Removal of encroacher.

74. The Canal Officer may issue an order to the person concerned interfering or encroaching upon any irrigation work to remove the same within a time to be fixed in the order; and if the person concerned does not comply with the order, the Canal Officer may remove the encroachment and take such either action as may be necessary and recover the expenses thereof from the person concerned.

Provided that the Canal Officer, may, in case of an emergency remove the encroachment or take the necessary action before issuing the order, and recover the expenses thereof from the person concerned.

Maintenance of tank, pond, well, etc. above reservoir.

75. (1) Every owner whose tank, well, pond, spring pond or other reservoir is situated above any irrigation work, shall maintain the bunds and surplussing arrangements of such tank, well, pond, spring pond, spring channels or reservoir in a safe and efficient condition.

(2) If, in the opinion of the Canal Officer, such bunds or surplussing arrangements of the works referred to in sub-section (1) are not in a fit condition and are likely to endanger the irrigation works below, then the owner concerned shall be served with a notice to bring such bunds or surplussing arrangements to a reasonably fit conditions, in such manner and within such time as may be specified in the notice.

(3) If the said owner fails to comply with the notice within the time specified or does repairs which in the opinion of the Canal Officer are unsatisfactory the Canal Officer may carry out the necessary repairs and recover the cost from the said owner.

(4) From any order of the Canal Officer under this section and appeal shall lie within thirty days from the date of communication of the order, to the Divisional Canal Officer, whose decision thereon shall be final.

Prohibition of operation of mining or quarry.

75. No person shall conduct mining or quarrying operations requiring the use of explosives within such distance as may be prescribed from the foundaries of an irrigation work without the written permission of the Canal Officer.

77. Notwithstanding anything contained to the contrary in sub-section (4) of section 3, no well exclusively for domestic use, either on personal or community basis, shall be excavated within such distance, as may be specified by the State Government from time to time, from the boundaries of an irrigation work without the previous sanction of the authority specified by the State Government and subject to such conditions as the authority may impose.

Prohibition of excavation of well.

78. No person shall have the right to fish or ply any vessel in the reservoir, pond or tank or across or along a canal or channel maintained or controlled by the Government without the permission in writing of the State Government or of such Officer as may be empowered in this behalf by the State Government and except under such terms and conditions and subject to payment of such fees as may be prescribed.

Prohibition of fishing and plying of vessel.

79. No person other than the Canal Officer or any Officer duly empowered in this behalf shall let out water from a canal or channel by cutting the bund, constructing a sluice or outlet or any other similar contrivance.

Prohibition of letting out water.

80. (1) Save as provided in this Act, no person shall abstract water for any purpose by the installation of pump sets or other electrical or mechanical devices for pumping water from an irrigation work except with the permission of the Divisional Canal Officer within whose jurisdiction such pump sets or other devices for abstraction of water are installed and subject to such terms and conditions and subject to the payment of such fees, as may be prescribed.

Prohibition of abstraction of water without authority.

(2) If any person abstract water from an irrigation work in violation of sub-section (1), the Divisional Canal Officer or any person authorised by him in that behalf shall have the power to enter into any property, place or premises in which any construction is made or any pump set or other electrical or mechanical device is installed for the abstraction of the water and remove or cause to be removed such construction or pump set or other device.

(3) The Divisional Canal Officer or the person authorised under sub-section (2) may also confiscate any pump set or other electrical or mechanical device if he is satisfied that such confiscation is necessary for the prevention of the abstraction of water.

81. No person shall deposit any produce of mines or earth or any other material in or near any channel or field drain or other work, whether natural or artificial, through which rain or other water flows into any irrigation work.

Prohibition of deposit of earth & produce of mine.

82. (1) No person shall without the permission of the Divisional Canal Officer, pollute or discharge sewage effluent or trade effluent in the water of any irrigation work which may injure to the irrigation work or may deteriorate the quality of water of the irrigation work or may give rise to the growth of any weeds in the irrigation work.

Prevention of pollution.

(2) The provisions of the Water (Prevention and Control of Pollution) Act, 1974 will apply with regard to matters in sub-section (1).

CHAPTER XII  
OFFENCES AND PENALTIES

Penalty for  
offences  
under the  
Act.

83. Whoever voluntarily or without proper authority :
- (1) damages, alters, enlarges, obstructs or encroaches upon any irrigation work;
  - (2) interferes with increases or decreased the level and supply of water in, or the flow of water from, through, over or under, any irrigation work;
  - (3) interferes with or alters the flow of water in any river or stream, so as to endanger, damage or render less useful any irrigation work;
  - (4) being responsible for the maintenance of water course or field channel, or using a water course or field channel, neglects to take proper precautions for the prevention of waste of the water thereof, or interferes with the authorised distribution of water therefrom, or uses such water in an unauthorised manner;
  - (5) causes any vessel to enter or navigate on any irrigation work contrary to the rules for the time being prescribed by the State Government;
  - (6) while navigating on any irrigation work, neglects to take proper precautions for the safety of the irrigation work and of vessels thereon;
  - (7) neglects, without reasonable cause, to carry out or to continue to carry out duties in connection with the execution of any repair or work, when lawfully bound to do under section 58;
  - (8) destroys or moves any level—mark or water-gauge fixed by the authority of a public servant.
  - (9) opens, shuts or obstructs or attempts to open shut or obstruct any sluice or outlet or any other similar contrivance in any irrigation work;
  - (10) allows cattle to graze or be tethered on the irrigation work or pass any animal or vehicles on any irrigation work;
  - (11) grows or allows to grow any crop in contravention of a notification under sub-section (2) of Section 42;
  - (12) uses water from an irrigation work without obtaining the permission required under sub-section (5) of Section 38;
  - (13) contravenes any of the provisions of the Act or of any rules made thereunder.

shall be liable on conviction before a Magistrate, for offences mentioned in clauses (1) to (6), (8) and (12) to a fine not exceeding Rupees one thousand or imprisonment not exceeding one year

or with both and for offences mentioned in clauses (7), (9) to (11) and (13) to a fine not exceeding Rupees five hundred or to imprisonment not exceeding two months or with both.

Provided that for a second or subsequent offence under clauses (1) to (6), (8) and (12) fine shall not be less than Rupees two hundred and under clauses (7), (9) to (11) and (13) fine shall not be less than rupees fifty:

Provided further that in case of a continuing offence of daily fine of not less than rupees fifty during the period of continuance of the offence shall also be imposed.

84. The penalties and punishments mentioned to the Water (Pre-vented Control of Pollution) Act 1974 will be applicable for violating the provision of section 82.

Penalty for violation of section 82.

85. (1) When any person is convicted of an offence under section 83, the Magistrate may order that the said person shall remove the obstruction or repair the damage or replace or repair the land mark, level mark, water gauge or apparatus in respect of which the conviction has taken place within a period to be fixed in such order.

Order to remove & repair etc. of damages & obstructions.

(2) Without prejudice to the power of the Canal Officer under section 74, if such person neglects or refuses to obey such order within the period so fixed, the Canal Officer may carry out the work in accordance with such order and the cost thereof shall be recoverable from such person.

86. Whoever abets any offence punishable under this act or attempts to commit any such offence shall be punished with the punishment provided in this Act for such offence.

Penalty for abetment & attempt to commit offences.

87. Nothing contained in this Act shall prevent any person from being prosecuted under any other law or the time being in force for any act or omission made punishable by this Act.

Saving of prosecution under other laws.

88. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences punishable under this Act shall be cognizable and available.

Procedure in offences under the Act.

89. Any person in charge of, or employed upon any irrigation work, may remove from the land or buildings belonging thereto, or may take into custody without a warrant and without unnecessary delay take to a Magistrate or in the absence of the Magistrate take to the nearest Police Station, any person who within his view :

Power of Officers to arrest offenders.

- (a) wilfully damages, alters, enlarges or obstructs any irrigation work ;
- (b) without proper authority interferes with the supply or flow of waste, in or from any irrigation work so as to endanger, damage or render less useful such irrigation work.

Power to order reward out of fine.

90. (1) Whenever any person is fined for an offence under this Act, the court which imposes such fine, or which confirms in appeal or revision a sentence of such fine or a sentence of which such fine forms part may direct that the whole or any part of such fine may be paid by way of reward to any person who gave information leading to the detection of such offence or to the conviction of the offender.

(2) If the fine is ordered to be paid as a reward by a court whose decision is subject to appeal or revision, the amount ordered to be so paid, shall not be paid until the period specified for presentation of the appeal has elapsed, or if an appeal is preferred till after the decision of the appeal.

91. (1) If the person committing an offence under this Act is a Company, the Company as well as every person in charge of and responsible to the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Procedure in offences by Company.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of any Director, Manager, Secretary, or other officer of the Company, such Director, Manager, Secretary or other Officers shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation :* for the purposes of this section :

- (a) "Company" means a body corporate and includes a firm or other association of individuals : and
- (b) "Director" in relation to a firm means a partner in the firm.

Composition of offences.

92. Any Canal Officer duly empowered under this Act may accept before the institution of a prosecution under this Act, from any person, against whom a reasonable belief exists that he has committed an offence punishable under this Act or the rules made thereunder, a sum of money as may be prescribed but not exceeding two hundred rupees, by way of composition for such offence.

**CHAPTER XIII**  
**MISCELLANEOUS**

93. When the person causing any damage, alteration, enlargement or obstruction to any irrigation work without proper authority cannot after such enquiry as the Divisional Canal Officer may deem sufficient be ascertained or indentified, the Divisional Canal Officer may, on requisition from the Canal Officer after giving not less than one month's notice to the owners and occupiers of all lands benefited thereby, and after hearing their representations if any, recover from them, in such proportion as he thinks fit, the cost of repairing such damage, or of removing such alteration or obstruction.

Procedure for recovery of cost of repair.

94. (1) Whenever any sum is to be paid by any person under this Act and the sum has not been paid within the time prescribed for such payment, it shall be recoverable as arrear/arrears of land revenue with interest not exceeding twelve percent per annum as may be prescribed.

Procedure for recovery of sums due under the Act.

(2) When any sum is recovered as above under sub-section (1) of Section 27 and sub-section (1) of section 28, it shall be paid to the person who is entitled to receive the same.

95. (1) The State Government or, subject to such rules as may be made under this Act, any Officer so empowered in this behalf, may :

Appointment and investment of powers.

- (a) appoint such officers with such designations, define the local limits of jurisdiction of such officers and assign to them respectively such powers and duties under this act, as the State Government or such officer may deem fit;
- (b) invest any government officer in any department, either personally, or in right of his office, or any other persons, with such powers and impose upon him such duties, under this Act, as the State Government or such Officer, may deem fit.

Provided that any assignment of, or investment with powers or duties made under this section may at any time be cancelled or varied by the State Government or such Officer.

(2) The State Government shall have the power to direct in the manner prescribed the annual inspection of and submission of reports on all irrigation works in respect of their proper maintenance and repair.

96. Any officer empowered under this Act to conduct any enquiry may exercise all such powers connected with summoning and examining the witnesses and the production of documents as are conferred on a civil court by the Code of civil Procedure, 1908 and every such enquiry shall be deemed to be a judicial proceeding.

Power to summon witnesses and documents-

Sanction for  
prosecution  
& filing suit  
& bar of legal  
proceeding  
for act done  
in good faith.

97. (1) No suit, prosecution or other proceeding shall lie against any officer or servant of the State Government, for any act done or purporting to be done under this Act, without the previous sanction of the State Government.

(2) No officer or servant of the State Government shall be liable in respect of any such act in any civil or criminal proceeding if the act was done in good faith in the course of the execution of duties or the discharge of the functions imposed by or under this Act.

(3) Save as otherwise provided in this Act, no suit shall be instituted against the State Government in respect of any act done unless the suit is instituted within six months from the date of the act complained of.

Entrustment  
of power to  
Village Pan-  
chayats.

98. (1) The State Government may, from time to time, empower, the village Panchayats to discharge any of the functions entrusted to the Government under this Act.

(2) Without prejudice to the generality of the foregoing provision, the State Government may entrust the village Panchayats with the responsibility of constructing and maintaining small irrigation works such as tanks, tubewells, water courses and field channel and regulate supply of water therefrom.

Entrustment  
to Co-opera-  
tive Societies.

99. If the State Government is of the opinion that it is in the public interest to entrust distribution of water supply when given in bulk at the head regulator or outlet to farmers' co-operative societies, the State Government may by rules provide for the formation of such societies on such conditions as may be prescribed.

100. (1) The State Government may, by notification, make rules for the purpose of carrying into effect the provisions of this Act.

Power to  
make Rules

(2) Every rule made under this Act shall be laid as soon as may be, after it is made, before the State Legislature while it is in Session for the total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the House agrees in making any modification in the rule or the house agrees that the rules should not be made and notify such decision, the rule shall from the date of publication of such notification have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or committed to be done under that rule.

- Clause—54. Serving notice of demands for payment of betterment levy.
- Clause—55. Indicates the method of payment of contribution.
- Clause—56. Payment by occupiers.
- Clause—57. Protection from liabilities for damages.
- Clause—58. Defines the power to requisition services of labour in emergency.
- Clause—59. Provides for the preparation of a list of able bodied persons.
- Clause—60. Defines the powers to enter and remove obstruction in urgency.
- Clause—61. Appeal for revision of wages.
- Clause—62. Prohibition of encroachments.
- Clause—63. Enactment of encroachers.
- Clause—64. Provides for issue of notification declaring intention to construct drainage works.
- Clause—65. Provides for the preparation of a scheme for field drains.
- Clause—66. Indicates the conditions for award of compensation.
- Clause—67. Defines the limitation of claims of compensation.
- Clause—68. Tendering of compensation for entry damage etc.
- Clause—69. Stipulates the methods for assessing and awarding compensation.
- Clause—70. Provides for appeals against compensation.
- Clause—71. Payment of compensation and interest thereof.
- Clause—72. Provides for enquiry into disputes connected with the distribution and use of water.
- Clause—73. Provides for prohibition for interference and obstruction.
- Clause—74. Provides for the removal of encroachers.
- Clause—75. Provides for maintenance of tanks, ponds, wells etc.
- Clause—76. Provides for prohibiting operation of mining/quarry works in the vicinity of irrigation works.
- Clause—77. Provides for the prohibition of well excavation in the vicinity of irrigation works.
- Clause—78. Provides for prohibiting fishing and plying of vessels.
- Clause—79. Prohibition of letting out water.
- Clause—80. Prohibition of obstruction of water without authority.
- Clause—81. Prohibition of earth deposit and produce of mines.
- Clause—82. Provides for the prevention of pollution.

- Clause— 83. Provides for the levy of penalty for offences committed under the Act.
- Clause— 84. Penalties for violation at section 82 of the Act.
- Clause— 85. Empowers to order for restoration and repair of damages and obstructions.
- Clause— 86. Provides for levy of penalty for abetment and attempt to commit offences.
- Clause— 87. Saving of prosecution under other laws.
- Clause— 88. Procedure in office under the Act.
- Clause— 89. Powers of Officers to arrest offenders.
- Clause— 90. Power to order reward out of fine.
- Clause— 91. Procedure to be adopted in case of offences committed by a Company.
- Clause— 92. Composition of offenders.
- Clause— 93. Procedure for recovery of cost of repairs.
- Clause— 94. Procedure for recovery of sums due under the Act.
- Clause— 95. Provides for the appointment of officers under the Act and investing them with powers.
- Clause— 96. Powers to summon witnesses and documents.
- Clause— 97. Section for prosecution and filing suit and bar of legal proceedings for acts done in good faith.
- Clause— 98. Entrustment of power to village Panchayats.
- Clause— 99. Entrustment to Co-operative Societies.
- Clause— 100. This clause empowers the State Government to make Rules consistent with the provisions of the Act.

## IRRIGATION BILL IN MANIPUR

### STATEMENT OF REASONS JUSTIFYING THE BILL

1. The Constitution of India empowers the States to enact Legislations regarding Water i. e. Water Supplies, Irrigation, Canals, Water Storage and Water Power.

2. No legislation has been enacted regarding water so far in the State of Manipur.

3. Enactment of Irrigation Bill is immediately required for controlling and regulating the following aspects :—

- (a) application of water for public purpose.
- (b) construction of irrigation works including water courses, field channels and fields drains.
- (c) regulation of irrigation supplies.
- (d) levy of betterment contribution and water rates.
- (e) requisition of labour and materials in emergency.
- (f) settlement of disputes.
- (g) protection of irrigation works including offences and penalties.

4. The present bill seeking to provide for use and control by the State for public purposes the water of all the rivers and streams flowing in natural channels, of all lakes and other natural collection of still water and to that end enact law relating to irrigation levy and assessment of water rates and betterment contribution.

5. The enactment of Irrigation Bill for the State has become very urgent for proper management of the commanded areas which will be provided with irrigation facilities through different types of Irrigation Projects shortly.

6. In order to realise some revenue from those projects to meet at least a part of the running and maintenance expenditure, the various users are proposed to be charged with water rates at specified rates for different crops. This is expected to yield an annual revenue of about Rs. 17.80 lakhs. Thus, there will be a deficit of about Rs. 25.42 lakhs which has to be met from other resources.

7. The above deficit will be in the operation of Loktak Lift Irrigation Project (Phase-I) where the power required for operating the pumping sets is being made available by Diesel Generation. Even though the power by Diesel Generation is costly, we are to resort to it only for commencing irrigation in the Loktak Command immediately. However, position will be reserved when once power from the Loktak Hydel Project becomes available. This will be in a period of about three to four years, from now. During this period, the irrigation in the commanded area of all the Projects would have been fully established and possibilities of increasing water rates to realise more revenue can be considered for adoption.