

IRRIGATION ACTS OF THE STATES OF NORTH INDIA

PART - I
(PUNJAB & UTTAR PRADESH
INCLUDING UTTARANCHAL)



INCID-इनसिड

**INDIAN NATIONAL COMMITTEE ON
IRRIGATION AND DRAINAGE**

(Constituted by the Ministry of Water Resources, Government of India)

March, 2005

New Delhi

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FOREWORD

The Indian National Committee on Irrigation and Drainage (INCID) has been entrusted with the task of preparing the state of art reports in different aspects of Irrigation and drainage in the country. In pursuance of this objective and function, it has been periodically bringing out publications on related subjects with the purpose of disseminating information among all concerned. In view of the large number of Irrigation Acts enacted by various States, INCID, in association with Central Water Commission (CWC), considered it desirable to compile and publish these Acts together so as to make them available for ready reference by water professionals and others concerned. CWC, the premier organization of the Government of India in the Ministry of Water Resources dealing with the various issues concerning water resources helped INCID by making available the requisite records and other information documented in this regard.

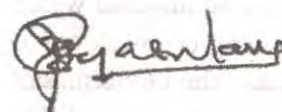
The system of riparian rights generated by common law regards all owners of land bordering upon the stream to be on equitable basis. A riparian owner demands his right to have the water come to him undiminished in quantity and quality and he has a duty to let the water go beyond his land without diminishing its quality and quantity. The acute need of water for raising crops in our country and the general British approach towards natural resources made the Government create a legislative framework for Irrigation. Different legislations were adopted in different parts of India and even extended to neighbouring states, such as, the Northern India Canal and Drainage Act 1873 which extends to Uttar Pradesh, Punjab and Delhi entitling the provincial Governments to use and control, for public purposes, the water of all rivers and streams flowing in natural channels and of all lakes and other natural collections of waters. The Bombay Irrigation Act, 1879, has also similar provisions. The Acts do not discuss the ownership of water. The Irrigation Laws recognize the rights of the State to use and control water in all rivers and natural collection of still water subject to the liability to compensate for displacement of existing riparian rights or rights acquired by prescription. However, "The Indian Easements Act 1882," made the first radical shift in the history of Indian Law by virtue of which the State Authorities have the right to regulate the collection, retention and distribution of the waters of the rivers and streams / natural channels and of natural lakes and ponds, or the water-flowing, collected, retained or distributed in or by any channel or other works, constructed at the public expense for irrigation.

As a first step to bring the available Acts and Codes at one place, INCID has now brought out in two volumes a compendium of Irrigation Acts in the Northern Region adopted by the states of Punjab and Uttar Pradesh including Uttaranchal, and Himachal Pradesh and Jammu & Kashmir.

INCID is indebted to Central Water Commission for having collected and made available the Irrigation Acts adopted by various States. INCID would also like to record the help and cooperation extended by Shri V.K. Chawla, Director (IP-S) and his staff in the Central Water Commission to make this publication a reality. Shri C.D. Khoche, and Shri S.C. Sud, Consultants in INCID deserve to be complimented for the efforts put in by them in editing the text and in facilitating to bring out this publication. The assistance rendered by the INCID Secretariat, particularly of Shri Vimal Kumar Gaur, Data Entry Operator (Gr.-I) is very much appreciated.

Special thanks are due to Shri D. Datta, Chairman and Managing Director, WAPCOS (India) Limited, for his support in providing all infrastructure facilities to INCID Secretariat.

It is hoped that this publication will be useful as a reference book to all concerned in the Water Resources Sector, particularly to those working in various State Irrigation Departments/Agencies.



(R. JEYASEELAN)
Chairman, INCID &
Central Water Commission

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PUNJAB

**1. NORTHERN INDIA CANAL AND DRAINAGE ACT
(ACT NO. VIII OF 1873)**

NORTHERN INDIA CANAL AND DRAINAGE ACT

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ACT VIII of 1873

As amended or repealed by the following legislations :

1. Repealed in part vide Act XIII of 1874.
2. Repealed in part (in Punjab) vide Act XVI of 1887.
3. Repealed in part vide Act XVI of 1874.
4. Repealed in part (in Punjab) vide Act XVI of 1914, Schedule I, Part I.
5. Amended vide Act XII of 1891.
6. Amended vide Act XVI of 1899.
7. Amended Reg. IV of 1898.
8. Amended vide Act XXXVIII of 1920.
9. Amended in part Government of India (Adaptation of Indian Law) order 1937.
10. Amended in part by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.
11. Amended in part by the adaptation of Law order, 1950.
12. Amended in part by Punjab Act XIX of 1953.
13. Affected by Punjab Act XXI of 1954

Preamble

WHEREAS, throughout the territories to which this Act extends, the Provincial Government is entitled to use and control for public purposes the water of all rivers and streams flowing in natural channels, and of all lakes and other natural collections of still water; and whereas it is expedient to amend the law relating to irrigation navigation and drainage in the said territories : It is hereby enacted as follows : -

PART I
PRELIMINARY

1. Short Title

This Act may be called "The Northern India Canal and Drainage" Act, 1873.

Local Extent

It extends to Uttar Pradesh and the territories which immediately before 1st Nov., 1956 were comprised in state of Punjab and Delhi and applies to all lands, whether permanently settled, temporarily settled, or free from revenue :

(Note : The third paragraph of section I has been repealed by Act. XVI of 1874.)

2. Repeal of Act

Repealed by Act. XII of 1873

3. Interpretation clause.

In this Act.- unless there be something repugnant in the subject or context :-

Canal

(1) "Canal" includes -

- (a) all canals, channels and reservoirs constructed, maintained or controlled by the State Government for the supply or storage of water;
- (b) all works, embankments, structures, supply and escape channels connected with such canals, channels or reservoirs;
- (c) all watercourses, as defined in the 2nd clause of this section.
- (d) all parts of a river, stream, lake or natural collection of water, or natural drainage channel, to which the State Government has applied the provisions of Part II of this Act.
- (e) A field drain for purposes of section 70 of this Act.

Watercourse

(2) "Watercourse" means any channel which is supplied with water from a canal, but which is not maintained at the cost of the State Government, and all subsidiary works belonging to any such channel;

"Drainage work"

(3) "Drainage work" includes escape channels from a canal, dams, weirs, embankments, sluices, groins and other works for the protection of lands from flood or from erosion, formed or maintained by the State Government under the provisions of Part VII of this Act, but does not include works for the removal of sewage from towns;s

"Vessel"

- (4) **"Vessel"** includes boats, rafts, timber and other floating bodies;

"Commissioner"

- (5) **"Commissioner"** means a Commissioner of a Division, and includes any officer appointed under this Act to exercises all or any of the powers of a Commissioner;

Collector

- (6) **"Collector"** means the head revenue officer of a district, and includes a Deputy Commissioner or other officer appointed under this Act, to exercise all or any of the powers of a Collector.

Canal Officer

- (7) **"Canal Officer"** means an officer appointed under this Act to exercise control or jurisdiction over a canal or any part thereof.

"Superintending Canal Officer" means an officer exercising general control over a canal or portion of a canal.

"Divisional Canal Officer" means an officer exercising control over a division of a canal.

"Sub Divisional Canal Officer" means an officer exercising control over a sub-division of a canal.

See. Act. 21 of 1963

"Deputy collector" means an officer appointed as such by the State Govt., who Assists the Divisional Canal Officer in revenue matters arising in a division of a canal.

District

- (8) **"District"** means a district as fixed for revenue purposes.

4. **Powers to Appoint Officers**

The State Government may from time to time declare by notification in the official Gazzette the officers by whom, and the local limits within which all or any of the powers or duties hereinafter conferred or imposed shall be exercised or performed.

All officers mentioned in Section three, clause (7) shall be respectively, subject to the orders of such officers as the State Government from time to time directs.

PART II
OF THE APPLICATION OF WATER FOR PUBLIC PURPOSES

5. Notification to issue when water supply is to be applied for public purposes

Whenever it appears expedient to the State Government that the water of any river or stream flowing in a natural channel, or of any lake or other natural collection of still water should be applied or used by the State Government for the purpose of any existing or projected canal or drainage work

the state Government may, by notification in the official Gazette, 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.

6. Powers of Canal Officer : At any time after the days so named, any canal Officer, acting under the orders of the State Government in this behalf, may enter on any land and remove any obstructions, and may close any channels, and do any other thing necessary for such application or use of the said water.

7. Notice as to claims for compensation : As soon as is practicable after the issue of such notification, the Collector shall cause public notice to be given at convenient places, stating that the State Government intends to apply or use the said water as aforesaid, and that claims for compensation in respect of the matters mentioned in section eight may be made before him.

8. Damage for which compensation shall not be awarded No compensation shall be awarded for any damage caused by

- (a) stoppage or diminution of percolation or floods;
- (b) deterioration of climate or soil;
- (c) stoppage of navigation, or of the means or of drifting timber of watering cattle;
- (d) displacement of labour.

Matters in respect of which compensation may be awarded - But compensation may be awarded in respect of any of the following matters :-

- (e) stoppage or diminution of supply of water through any natural channel to any defined artificial channel, whether above or under ground in use at the date of the said notification;
- (f) stoppage or diminution of supply of water to any work erected for purposes of profit on any channel, whether natural or artificial, in use at the date of the said notification;
- (g) Stoppage or diminution of supply of water through any natural channel which has been used for purposes of irrigation within the five years next before the date of the said notification;

- (h) damage done in respect of any right to a watercourse, or the use of any water to which any person is entitled under the Indian Limitation Act, 1871, Part IV;
- (i) any other substantial damage not falling under any of the above clauses (a) (b) (c) or (d) and caused by the exercise of the powers conferred by this Act, which is capable of being ascertained and estimated at the time of awarding such compensation.

In determining the amount of such compensation 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 shall be reckoned at twelve times the amount of the diminution of the annual net profits of such property caused by the exercise of the powers conferred by this Act.

No right to any such supply of water as is referred to in clause (e) (f) or (g) of this section, in respect of a work or channel not in use at the date of the notification shall be acquired as against the State Government except by grant or under the Indian Limitation Act, 1871. Part IV.

And no right to any of the advantages referred to in clauses (a) (b) and (c) of this section shall be acquired as against the State Government under the same Part.

9. Limitation of claims

No claim for compensation for any such stoppage, diminution or damage shall be made after the expiration of one year from such stoppage, diminution or damage, unless the collector is satisfied that the claimant had sufficient cause for not making the claim within such period.

10. Enquiry into claims and amount of compensation

The collector shall proceed to enquire into any such claim, and to determine the amount of compensation, if any, which should be given to the claimant; and sections nine to twelve (inclusive) fourteen and fifteen, eighteen to twenty three (inclusive). twenty six to forty (inclusive), fifty one, fifty seven, fifty eight and fifty nine of the Land Acquisition Act, 1870 shall apply to such enquiries.

Provided that, instead of the last clause of the said section twenty six, the following shall be read : "The provisions of this section and of section eight of the Northern India Canal and Drainage Act, 1873, shall be read to every assessor in a language which he understands, before he gives his opinion as to the amount of compensation to be awarded."

11. Abatement of rent on interruption of water supply

Every tenant holding under an unexpired lease, or having a right of occupancy. who is in occupation of any land at the time when any stoppage or diminution of water supply, in respect of which compensation is allowed under section eight, takes place, may claim an abatement of

the rent previously payable by him for the said land, on the ground that the interruption reduces the value of the holding.

12. Enhancement of rent on restoration of water supply

If a water supply increasing the value of such holding is afterwards restored to the said land, the rent of the tenant may be enhanced, in respect of the increased value of such land due to the restored water supply, to an amount not exceeding that at which it stood immediately before the abatement.

Such enhancement shall be on account only of the restored water supply and shall not affect the liability of the tenant to enhancement of rent on any other ground.

13. Compensation when due

All sums of money payable for compensation under this Part shall become due three months after the claim for such compensation is made in respect of the stoppage, diminution or damage complained of, and simple interest at the rate of six percent per annum shall be allowed on any such sum remaining unpaid after the said three months, except where the non-payment of such sum is caused by the wilful neglect or refusal of the claimant to receive the same.

PART III

OF THE CONSTRUCTION AND MAINTENANCE OF WORKS

14. Power to enter and survey etc.

Any Canal officer or other person acting under the general or special order of a Canal Officer may enter upon any lands adjacent to any canal, or through which any canal is proposed to be made, and undertake surveys or levels thereon;

and dig and bore into the sub soil;

and make and set up suitable land marks, levels marks, and water gauges;

and do all other acts necessary for the proper prosecution of any enquiry relating to any existing or projected canal under the charge of the said canal officer; and where otherwise such enquiry cannot be completed, such officer or other person may cut down and clear away any part of any standing crop, fence or jungle;

Power to inspect and regulate water supply

and may also enter upon any land, building or watercourse 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 lands irrigated thereby or chargeable with a water rate, and of doing all things necessary for the proper regulation and management of such canal;

Notice of intended entry into houses

Provided that, if such canal officer or person proposes to enter into any building or enclosed court or garden attached to a dwelling house not supplied with water flowing from any canal, he shall previously give the occupier of such building, court or garden at least seven days notice in writing of his intention to do so.

Compensation for damage caused by entry

In every case of entry under this section the Canal officer shall, at the time of such entry tender compensation for any damage which may be occasioned by any proceeding under this section; and in case of dispute as to the sufficiency of the amount so tendered, he shall forthwith refer the same for decision by the Collector and such decision shall be final.

15. Power to enter for repairs and to prevent accidents

In case of any accident happening or being apprehended to a canal any Divisional Canal Officer or any person acting under his general or special orders in this behalf may enter upon any lands adjacent to such canal, and may execute all works which may be necessary for the purpose of repairing or preventing such accident.

Compensation for damage to land

In every such case such Canal Officer or person shall tender compensation to the proprietors or occupiers of the said lands for all damage done to the same. If such tender is not accepted, the Canal Officer shall refer the matter to the Collector, who shall proceed to award compensation for the damage as though the State Government had directed the occupation of the lands under section forty three of the Land Acquisition Act, 1870.

16. Deleted

17. State Government to provide means of crossing canals

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 Government thinks necessary for the reasonable convenience of the inhabitants of the adjacent land.

On receiving a statement in writing, signed by not less than five of the owners of such lands, to the effect that suitable crossings have not been provided on any canal, the Collector shall cause enquiry to be made into the circumstances of the case, and if he thinks that the statement is established, he shall report his opinion thereon for the consideration of the State Government and the State Government shall cause such measures in reference thereto to be taken as it thinks proper.

18. Persons using water course to construct works for passing water across roads, etc.

The Divisional Canal Officer may issue an order to the persons using any water course to construct suitable bridges, culverts, or other works for the passage of the water of such watercourse across any public road, canal or drainage channel in use before the said watercourse was made, or to repair any such works.

If they fail, Canal Officer may construct and recover cost

Such order shall specify a reasonable period within which such construction or repairs shall be completed; and 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 Canal Officer, he may, with the previous approval of the Superintending Canal Officer, himself construct or repair the same and recover cost and if the said persons do not, when so required, pay the cost of such construction or repairs as declared by the Divisional Canal Officer the amount shall, on the demand of the Divisional Canal Officer, be recoverable from them by the Collector as if it were an arrear of land revenue.

19. Adjustment of claims between persons jointly using watercourse

If any person, jointly responsible with others for the construction or maintenance of a watercourse, or jointly making use of a watercourse with others, neglects or refuses to pay his share of the cost of such construction or maintenance or to execute his share of any work necessary for such construction or maintenance, the Divisional or Sub- 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 a fortnight from the service, he will investigate the case; and shall, on the expiration of that period, investigate the case accordingly, and make such order thereon as to him seems fit. Such order shall be appealable to the Commissioner, whose order thereon shall be final.

Recovery of amount found due

Any sum directed by such order to be paid within a specified period may, if not paid within such period and if the order remains in force, be recovered by the Collector from the person directed to pay the same, as if it were an arrear of land revenue.

20. Supply of water through intervening watercourse

Whenever application is made to a Divisional Canal Officer for a supply of water from a canal, and it appears to him expedient that such supply should be given, and that it should be conveyed through some existing watercourse, he shall give notice to the persons responsible for the maintenance of such watercourse 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 condition the said supply shall be conveyed through such watercourse.

When such officer determines that a supply of canal water may be conveyed through any watercourse as aforesaid, his decision shall, when confirmed or modified by the Superintending Canal Officer be binding on the applicant and also on the persons responsible for the maintenance of the said watercourse.

Such applicant shall not be entitled to use such watercourse until he has paid the expense of any alteration of such watercourse necessary in order to his being supplied through it, and also such share of the first cost of such watercourse as the Divisional or Superintending Canal officer may determine.

Such applicant shall also be liable for his share of the maintenance of such watercourse so long as he user it.

21 Deleted

22. Deleted

23. Application for transfer of existing water course

Any person desiring that an existing watercourse should be transferred from its present owner to himself may apply in writing to the Divisional Canal Officer stating

- (1) that he has endeavoured unsuccessfully to procure such transfer from the owner of such watercourse;
- (2) that he desires the said Canal Officer, in his behalf and at his cost, to do all things necessary for procuring such transfer;
- (3) that he is able to defray the cost of such transfer.

Procedure thereupon

If the Divisional Canal Officer considers:-

- (a) that the said transfer is necessary for the better management of the irrigation from such watercourse, and
- (b) that the statements in the application are true, he shall call upon the applicant to make such deposit as the Divisional Canal Officer 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 twenty eight 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 watercourse passes.

24. Objections or transfer applied for

substituted vide Sec. 3/277 of Punjab Act 23 of 1965

The Collector may either reject the petition or may proceed to inquire into the validity of the objection, giving previous notice to the Divisional Canal Officer of the place and time at which such inquiry will be held.

The Collector shall record in writing all orders passed by him under this section, and the grounds there of.

25. When applicant may be placed in occupation

Amended vide Sec. 4 of Act 23/1965

If no such objection is made, or (where such objection is made) if the Collector overrules it, he shall give notice to the Divisional Canal Officer to that effect, and shall proceed forthwith to place the said applicant in occupation of the watercourse to be transferred.

26. Procedure when objection is held valid

Amended vide Sec. 5 of Act 23/1965

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

27. Procedure when canal officer disagrees with collector

Amended vide Sec. 6 of Act 23/1965

If the Canal Officer disagrees with the Collector the matter shall be referred for decision to the Commissioner. Such decision shall be final and the Collector if he is so directed by such decision, shall, subject to the provisions of section twenty eight, cause the said applicant to be placed in occupation of the watercourse to be transferred.

28. Expenses to be paid by applicant before receiving occupation

Amended vide sec. 7 of Punjab Act 23/1965

No such applicant shall be placed in occupation of such watercourse until he has paid to the person named by the Collector such amount as the Collector determines to be due as compensation for the watercourse so transferred, together with all expenses incidental to such transfer.

Procedure in fixing compensation

In determining the compensation to be made under this section, the Collector shall proceed under the provisions of the Land Acquisition Act. 1870; 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 land or watercourse occupied or transferred.

Recovery of compensation and expenses

If such compensation and expenses are not paid when demanded by the person entitled to receive the same, the amount may be recovered by the Collector as if it were an arrear of land revenue, and shall when recovered, be paid by him to the person entitled to receive the same.

29. Conditions binding on applicant placed in occupation

First, Second and Third substituted vide Sec. 8 of Punjab Amendment Act 23 of 1965

Fourth, Fifth Sixth omitted vide Sec. 8 of Punjab Act 23 of 1965

30 Omitted Vide Sec. 12 of Act 23 of 1965

Extract of Section 30-A to 30 - G of Northern India Canal and Drainage Act VIII of 1873 applicable in the Punjab State only (Punjab amendment)

- 30-A (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 on the application of a shareholder, prepare a draft scheme to provide for all or any of the matters, namely
- a) the construction, alternation, extension and alignment of any water course or realignment of any existing watercourse.
 - b) reallocation of areas served by one water course to another;
 - c) the lining of any water course;
 - cc) the occupation of land for the deposit of soil from watercourse clearances;
 - d) 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 alignment of the proposed water course or realignment of the existing watercourse, as the case may be, the site of the outlet, the particulars of the shareholders to be benefited and other persons who may be affected thereby, and a sketch plan of the area proposed to be covered by the scheme.
- 30-B 1) Every Scheme shall, as soon as may be after its preparation, be published in such form and manner as may be prescribed by rules made in this behalf inviting objections and suggestions with respect thereof within twenty one days of the publication.
- 2) After considering such objections and suggestions, if any, the Divisional Canal Officer

shall approve the scheme either as it was originally prepared or in such modified form as he may consider fit.

- 3) The Superintending Canal Officer may, suomotu at any time or 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 section 30-C, revise the scheme approved by the Divisional Canal Officer:

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

- 30-C. The Divisional Canal Officer shall, as soon as may be, publish the particulars of the scheme approved by him under sub-section (2) of section 30-B in the prescribed manner and call upon the shareholders to implement it at their own cost within the period to be specified by him.
- 30-D (1) The Divisional Canal Officer may, either of his own motion or on the application of a shareholder, publish in the manner prescribed a notice of his intention to acquire any land required for implementation of the scheme.
- (2) Any person interested in the land notified under sub section (1) may within fifteen days from the publication thereof, apply to the Divisional Canal Officer by petition stating his objections to the proposed acquisition of his rights.
- (3) After considering the objections, the Divisional Canal Officer may proceed to take the occupation of the land so required on behalf of the shareholders.
- (4) Compensation, to be fixed by the Divisional Canal officer on the principles set out under section 23 of the Land Acquisition Act, 1894 shall be payable by the shareholders in proportion to the culturable commanded area under the scheme held by each one of them to the owner or occupier of any land for such acquisition and on failure of payment the amount shall be recoverable as arrears of land revenue.
- (5) A person aggrieved from the order of the Divisional Canal Officer in respect of compensation may prefer an appeal within thirty days of the passing of the order to the Collector, whose decision shall be final.
- 30-E On failure of any shareholder to execute the work within the period specified in the notice under section 30-C, the Divisional Canal Officer may proceed to carry out the work himself and the cost in proportion to the culturable commanded area under the scheme held by them shall be recoverable from the shareholders as arrears of land revenue.
- 30-F On execution of the scheme the Divisional Canal Officer shall, by requisition in writing, direct the shareholders to take over and maintain the watercourse and on failure of the shareholders

to comply with direction. he shall make arrangements for maintenance of the water course at the shareholders cost in proportion to the culturable commanded area under the scheme held by them and the same shall be recoverable as arrears of land revenue.

- 30 FF (1) If a person demolishes, alters, enlarges or obstructs a watercourse or causes any damage thereto, any person affected thereby may apply to the Divisional Canal Officer for directing the restoration of the watercourse to its original condition.
- (2) On receiving an application under sub-section (1) the Divisional Canal Officer may, after making such enquiry as he may deem fit, require, by a notice in writing served on the person found to be responsible for so demolishing, altering, enlarging, obstructing or causing damage to restore, at his own cost, the watercourse to its original condition within such periods as may be specified in the notice.
- (3) If such person fails, to the satisfaction of the Divisional Canal Officer, to restore the watercourse 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 watercourse 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.
- (5) Any sum which remains unpaid within a period to be specified for this purpose by the Divisional Canal Officer, may be recovered by the Collector from the defaulting person as if it were an arrear of land revenue.
- 30-G Notwith standing anything contained in this Act or 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 under section 30-A to 30-FF.

PART IV OF THE SUPPLY OF WATER

31. In absence of written contract water supply to be subject to rules

In the absence of a written contract, or so far as any such contract does not extend, every supply of canal water shall be deemed to be given at the rates and subject to the conditions prescribed by the rules to be made by the State Government in respect thereof.

32. Such contracts and rules must be consistent with the following conditions :-

Conditions as to

- (a) The Divisional Canal Officer may not stop the supply of water to any water course, or to any person, except in the following cases :-

Powers to stop water supply

- (1) whenever and so long as it is necessary to stop such supply for the purpose of executing any work ordered by competent authority and with the previous sanction of the State Government.
- (2) whenever and so long as any watercourse is not maintained in such proper customary repair as to prevent the wasteful escape of water therefrom:
- (3) within periods fixed from time to time by the Divisional Canal Officer :

Claims to compensation in case of failure or stoppage of supply

- (b) No claim shall be made against the State Government for compensation in respect of loss caused by the failure or stoppage of the water in a canal, by reason of any cause beyond the control of the State Government or of any repairs, alterations or additions to the canal, or of any measures taken for regulating the proper flow of water therein, or for maintaining the established course of irrigation which the Divisional Canal Officer considers necessary; but the person suffering such loss may claim such remission of the ordinary charges payable for the use of the water as is authorized by the State Government :

Claims on account of interruption from other causes

- (c) if the supply of water to any land irrigated from a canal be interrupted otherwise than in the manner described in the last preceding clause, the occupier or owner of such land may present a petition for compensation to the Collector for any loss arising from such interruption, and the Collector may award to the petitioner reasonable compensation for such loss:

Duration of supply

- (d) When the water of a canal is supplied for the irrigation of a single crop, the permission to use such water shall be held to continue only until that crop comes to maturity, and to apply only to that crop; but if it be supplied for irrigating two or more crops to be raised on the same land within the year, such permission shall be held to continue for one year from the commencement of the irrigation, and to apply to such crops only as are matured within that year:

Sale or subletting of right to use canal water

- (e) Unless with the permission of the Superintending Canal Officer, no person entitled to use the water of any canal, or any work, building or land appertaining to any canal, shall sell or sublet or otherwise transfer his right to such use : Provided that the former part of this clause shall not apply to the use, by a cultivating tenant, of water supplied by the owner of a watercourse for the irrigation of the land held by such tenant:

Transfer, with land, of contracts for water

But all contracts made between the State Government and the owner or occupier of any immovable property, as to the supply of canal water to such property, shall be transferable therewith, and shall be presumed to have been so transferred, whenever a transfer of such property takes place :

No right acquired by user:-

- (f) No right to the use of the water of a canal shall be, or be deemed to have been, acquired under the Indian Limitation Act 1871 part IV, nor shall the State Government be bound to supply any person with water, except in accordance with the terms of a contract in writing.

PART V OF WATER RATES

33. Liability when person using unauthorisedly cannot be identified

If water supplied through a watercourse be used in an unauthorized manner, and if the person by whose act or neglect such use has occurred cannot be identified, the person on whose land such water has flowed, if such land has derived benefit therefrom, or if such person cannot be identified, or if such land has not derived benefit therefrom, all the persons chargeable in respect of the water supplied through such watercourse, shall be liable, or jointly liable, as the case may be, to the charges made for such use.

34. Liability when water runs to waste

If water supplied through a watercourse be suffered to run to waste, and if, after inquiry by the Divisional Canal Officer, the persons through whose act or neglect such water was suffered to run to waste cannot be discovered, all the persons chargeable in respect of the water supplied through such watercourse shall be jointly liable for the charges made in respect of the water so wasted.

35. Deleted - Vide Section 15 of the Act 23 of 1965

36. Charge on occupier for water how determined

The rates to be charged for canal water supplied for purposes of irrigation to the occupiers of land shall be determined by the rules to be made by the State Government, and such occupiers as accept the water shall pay for it accordingly.

“Occupier’s rate.”

A rate so charged shall be called the “occupier’s rate.”

The rules hereinbefore referred to may prescribe and determine what persons or classes of persons are to be deemed to be occupiers for the purposes of this section, and may also determine the several liabilities, in respect of the payment of the occupier's rate of tenants and of persons to whom tenants may have sublet their lands or of proprietors and of persons to whom proprietors may have let the lands held by them in cultivating occupancy.

37. **For rules regarding levy of owners rates see Punjab Govt. notification No. 412-Irr-59/256 Pb. 618-1-1959**

"Owners rate"

In addition to the occupier's rate, a rate, to be called the "owner's rate," may be imposed, according to rules to be made by the State Government, on the owners of canal irrigated lands, in respect of the benefit which they derive from such irrigation.

38. **Amount of owner's rate**

The owner's rate shall not exceed the sum which, under the rules for the time being in force for the assessment of land revenue might be assessed on such land, on account of the increase in the annual value or produce thereof caused by the canal irrigation. And for the purpose of this section only, land which is permanently settled or held free of revenue shall be considered as though it were temporarily settled and liable to payment of revenue.

39. **Owner's rate not chargeable in respect of land temporarily assessed to land revenue at irrigation rates**

No owner's rate shall be chargeable either on the owner or occupier of land temporarily assessed to pay land revenue at irrigation rates. during the currency of such assessment.

- 40-43 **Repealed by Act, XVI of 1887 (The Punjab Tenancy Act)**

44. **Water rate by whom payable when charged on land held by several owners**

Where a water rate is charged on land held by several joint owners, it shall be payable by the manager or other person who receives the rents or profits of such land, and may be deducted by him from such rents or profits before division, or may be recovered by him from the persons liable to such rate in the manner customary in the recovery of other charges on such rents or profits.

Recovery of charges

45. **Certified dues recoverable as land revenue**

Any sum lawfully due under this Part and certified by the Divisional Canal Officer to be so due, which remains unpaid after the day on which it becomes due, shall be recoverable by the Collector from the person liable for the same as if it were an arrear of land revenue.

Power to contract for collection of canal dues

46. The Divisional Canal Officer or the Collector may enter into an agreement with any person for the collection and payment to the State Government by such person of any sum payable under this Act, by a third party.

When such agreement has been made, such person may recover such sum by suit as though it were a debt due to him, or an arrear of rent due to him on account of the land, work or building in respect of which such sum is payable, or for or in which the canal water shall have been supplied or used.

If such person makes default in the payment of any sum collected by him under this section, such sum may be recovered from him by the Collector under section forty- five; and if such sum or any part of it be still due by the said third party, the sum or part so due may be recovered in like manner by the Collector from such third party.

47. **Lambardars may be required to collect canal dues**

See Punjab Govt. Notification no. 2560/56 dt. 18-9-56 for lambardari fee of Rs. 1/- for Tubewell Irrigation .

The Collector may require the lambardar or person under engagement to pay the land revenue of any estate, to collect and pay any sums payable under this Act by a third party, in respect of any land or water in such estate. Such sums shall be recoverable by the Collector as if they were arrears of land revenue due in respect of the defaulter's share in such estate; and for the purpose of collecting such sums from the subordinate zamindars, ryots, tenants or sub-tenants such lambardar or person may exercise the powers, and shall be subject to the rules laid down in the law for the time being in force, in respect to the collection by him of the rents of land or of shares of land revenue,

The State Government shall provide :

- (a) for remunerating persons collecting sums under this section; or
- (b) for indemnifying them against expenses properly incurred by them in such collection; or
- (c) for both such purposes.

48. **Fines excluded from sections 45, 46, 47**

Nothing in section forty-five, forty- six, or forty-seven applies to fines.

PART VI
OF CANAL NAVIGATION

49. Detainer of vessels violating rules

Any vessel entering or navigating any canal contrary to the rules made in that behalf by the State Government or so as to cause danger to the canal or the other vessels therein. may be removed, on detained, or both removed and detained, by the Divisional Canal Officer, or by any other person duly authorized in this behalf.

Liability of owners of vessels causing damage

The owner of any vessel causing damage to a canal , or removed or detained under this section, shall be liable to pay to the State Government such sum as the Divisional Canal Officer with the approval of the Superintending Canal Officer determines to be necessary to defray the expenses of repairing such damage, or of such removal or detention, as the case may be.

50. Recovery of fines for offences in navigating canals

Any fine imposed under this Act upon the owner of any vessel or the servant or agent of such owner or other person in charge of any vessel for any offence in respect of the navigation of such vessel, may be recovered either in the manner prescribed by the Code of Criminal Procedure, or if the Magistrate imposing the fine so directs as though it were a charge due in respect of such vessel.

51. Power to seize and detain vessel on failure to pay charges

If any charge due under the provisions of this Part in respect of any vessel is not paid on demand to the person authorized to collect the same, the Divisional Canal Officer may seize and detain such vessel and the furniture thereof until the charge so due, together with all expenses and additional charges arising from such seizure and detention, is paid in full.

52. Power to seize cargo or goods, if charges due thereon not paid

If any charge due under the provisions of this Part in respect of any cargo or goods carried in a Government vessel on a cannal or stored on or in lands or warehouses occupied for the purposes of a canal is not paid on demand to the person authorized to collect the same, the Divisional Canal Officer may seize such cargo or goods and detain them until the charge so due together with all expenses and additional charges arising from such seizure and detention, is paid in full.

53. Procedure for recovery of such charges after seizure

Within a reasonable time after any seizure under section fifty- one or section fifty-two, the said Canal Officer shall give notice to the owner or person in charge of the property seized that it,

or such portion of it as may be necessary, will, on a day to be named in the notice, but not sooner than fifteen days from the date of notice, be sold in satisfaction of the claim on account of which such property was seized, unless the claim be discharged before the day so named.

And if such claim be not so discharged, the said Canal Officer may, on such day, sell the property seized, or such part thereof as may be necessary to yield the amount due together with the expenses of such seizure and sale:

Provided that no greater part of the furniture of any vessel or of any cargo or goods shall be so sold than shall, as nearly as may be, suffice to cover the amount due in respect of such vessel, cargo or goods.

The residue of such furniture, cargo or goods, and of the proceeds of the sale, shall be made over to the owner or person in charge of the property seized.

54. Procedure in respect of vessels abandoned and goods unclaimed

If any vessel be found abandoned in a canal or any cargo or goods carried in a Government vessel on a canal or stored on or in lands or warehouses occupied for the purposes of a canal, be left unclaimed for a period of two months, the Divisional Canal Officer may take possession of the same.

The officer so taking possession may publish a notice that, if such vessel and its contents, or such cargo or goods, are not claimed previously to a day to be named in the notice no sooner than thirty days from the date of such notice. he will sell the same; and if such vessel contents, cargo or goods be not so claimed, he may, at any time after the day named in the notice, proceed to sell the same.

Disposal of proceeds of sale

The said vessel and its contents, and the said cargo or goods if unsold or, if a sale has taken place, the proceeds of the sale after paying all tolls, charges and expenses incurred by the Divisional Canal Officer on account of the taking possession and sale, shall be made over to the owner of the same, when his ownership is established to the satisfaction of the Divisional Canal Officer.

If the Divisional Canal Officer is doubtful to whom such property or proceeds should be made over, he may direct the property to be sold as aforesaid, and the proceeds to be paid into the district treasury, there to be held until the right thereto be decided by a court of competent jurisdiction.

PART VII

55. Power to prohibit obstruction or order their removal

Whenever it appears to the State Government that injury to any land or the public health or public convenience has arisen or may arise from the obstruction of any river, stream or drainage

channel, such State Government may, by notification published in the official Gazette, prohibit, within limits to be defined in such notification the formation of any obstruction or may, within such limits, order the removal or other modification of such obstruction.

Thereupon so much of the said river, stream, or drainage channel as is comprised within such limits, shall be held to be a drainage work as defined in section three.

56. Power to remove obstruction after prohibition

The Divisional Canal Officer, or other person authorised by the State Government in that behalf, may, after such publication issue an order to the person causing or having control over any such obstruction to remove or modify the same within a time to be fixed in the order.

If, within the time so fixed, such person does not comply with the order, the said Canal Officer may himself remove or modify the obstruction; and if the person to whom the order was issued does not, when called upon pay the expenses involved in such removal or modification, such expenses shall be recoverable by the Collector from him or his representative in interest as an arrear of land revenue.

57. Preparation of schemes for works of improvement

Whenever it appears to the State Government that any drainage works are necessary for the improvement of any lands, or for the proper cultivation or irrigation thereof, or that protection from floods or other accumulations of water, or from erosion by a river, is required for any lands, the State Government may cause a scheme for such drainage works to be drawn up and published, together with an estimate of its cost and a statement of the proportion of such cost which the State Government proposes to defray, and a schedule of the lands which it is proposed to make chargeable in respect of the scheme.

58. Power of persons employed on such scheme

The persons authorized by the State Government to draw up such scheme may exercise all or any of the powers conferred on Canal Officers by section fourteen.

59. Rate on lands benefited by works

- (1) The proportion of the cost, other than that which is to be defrayed by Government, in respect of such scheme, may be charged from the owners of all lands made chargeable under section 57 in accordance with rules made by the State Government in this behalf.
- (2) An owner shall be competent to contribute towards the charges payable by him either wholly or in part in terms of land, labour or cash in the manner prescribed by rules made in this behalf.

60. Recovery of rate

Any sum certified by the Divisional Canal Officer to be due under the last preceding section and which remains unpaid after the expiry of the period during which it was payable, shall be recoverable from the owner liable for the same as if it were an arrear of land revenue.

61. Disposal of claims to compensation

Whenever, in pursuance of a notification made under section fifty- five, any obstruction is removed or modified, or whenever any drainage work is carried out under section fifty- seven, all claims for compensation on account of any loss consequent on the removal or modification of the said obstruction, or the construction of such work may be made before the Collector, and he shall deal with the same in the manner provided in section ten.

62. Limitation of such claims

No such claim shall be entertained after the expiration of one year from the occurrence of the loss complained of unless the Collector is satisfied that the claimant had sufficient cause for not making the claim within such period.

PART VIII

OF OBTAINING LABOUR FOR CANALS AND DRAINAGE WORKS

63. Deleted

64. Power to prescribe number of labourers to be supplied by persons benefited by canal

In any district in which a canal or drainage work is constructed, maintained or projected by the State Government, the State Government may, if it thinks fit, direct the Collector -

- (a) to ascertain the proprietors, sub-proprietor or farmers, whose villages or estates are or will be, in the judgment of the Collector, benefited by such canal or drainage work and
- (b) to set down in a list having due regard to the circumstances of the district and of the several proprietors, sub-proprietors or farmers, the number of labourers which shall be furnished by any of the said persons, jointly or severally, from any such village or estate, for employment on any such canal or drainage work when required as hereinafter provided. The Collector may, from time to time, add to or alter such list or any part thereof.

65. Procedure for obtaining labour for works urgently required

Whenever it appears to a Divisional Canal Officer duly authorized by the State Government that, unless some work is immediately executed, such serious damage will happen to any canal or drainage works as to cause sudden and extensive public injury.

and that the labourers necessary for the proper execution thereof cannot be obtained in the ordinary manner within the time that can be allowed for the execution of such work so as to prevent such injury,

the said officer may require any person named in such list to furnish as many labourers (not exceeding the number which, according to the said list, he is liable to supply) as to the said officer seem necessary for the immediate execution of such work,

Every requisition so made shall be in writing, and shall state

- (a) the nature and locality of work to be done,
 - (b) the number of laborers to be supplied by the person upon whom the requisition is made, and
 - (c) the approximate time for which and the day on which the labourers will be required;
- and a copy thereof shall be immediately sent to the Superintending Canal Officer for the information of the State Government.

The State Government shall fix, and may from time to time alter, the rates to be paid to any such labourers : Provided that such rates shall exceed the highest rates for the time being paid in the neighbourhood for similar works. In the case of every such labourer, the payment shall continue for the whole period during which he is, in consequence of the provisions of this Part, prevented from following his ordinary occupation.

The state Government may direct that the provisions of this Part shall apply, either permanently or temporarily (as the case may be) to any district or part of a district for the purpose of effecting necessary annual silt clearances, or to prevent the proper operation of a canal or drainage work being stopped or so much interfered with as to stop the established course of irrigation or drainage.

66. Liability of labourers under requisition

When any requisition has been made on any person named in the said list, every labourer ordinarily resident within the village or estate of such person shall be liable to supply, and to continue to supply his labour for the purposes aforesaid.

PART IX OF JURISDICTION

67. Jurisdiction under this Act of Civil Courts

Except, where herein otherwise provided, all claims against the State Government in respect of anything done under this Act, may be tried by the Civil Courts' but no such Court shall in any case pass an order as to the supply of canal water to any crop sown or growing at the time of such order.

68. Settlement of reference as to mutual rights and liabilities of persons interested in watercourse

Whenever a difference arises between two or more persons in regard to their mutual rights or liabilities in respect of the use, construction or maintenance of a watercourse any such person may apply in writing to the Divisional Canal Officer stating the matter in dispute. Such officer shall there upon give notice to the other persons interested that, on a day to be named in such notice, he will proceed to enquire into the said matter. And, after such inquiry, he shall pass his order thereon, unless he transfers (as he is hereby empowered to do) the matter to the Collector, who shall thereupon enquire into and pass his order on the said matter.

Such order shall be final as to the use or distribution of water for any crop sown or growing at the time when such order is made, and shall thereafter remain in force until set aside by the decree of a Civil Court.

69. Powers to summon and examine witnesses

Any officer empowered under this Act to conduct any inquiry may exercise all such powers connected with the summoning and examining of witnesses, as are conferred on Civil Court by the Code of Civil Procedure; and every such enquiry shall be deemed a judicial proceeding

PART X OF OFFENCES AND PENALTIES

70. Offences under Act

Whoever, without proper authority and voluntarily, does any of the acts following that is to say

- (1) damages, alters, enlarges or obstructs any canal or, drainage work;
- (2) interferes with, increases or diminishes the supply of water in, or the flow of water from, through, over or under, any canal or drainage 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 canal or drainage work;

- (4) being responsible for the maintenance of a water course, or using a watercourse, neglects to take proper precautions for the prevention of waste of the water thereof or interferes with the authorized distribution of the water therefrom, or uses such water in an unauthorized manner.
- (5) corrupts or fouls the water of any canal so as to render it less fit for the purposes for which it is ordinarily used;
- (6) causes any vessel to enter or navigate any canal contrary to the rules for the time being prescribed by the State Government for entering or navigating such canal;
- (7) while navigating on any canal, neglects to take proper precautions for the safety of canal and of vessels thereon;
- (8) being liable to furnish labourers under Part VIII of this Act, fails without reasonable cause to supply or to assist in supplying the labourers required of him;
- (9) being a labourer liable to supply his labour under Part VIII of this Act neglects, without reasonable cause, so to supply, and to continue to supply, his labour;
- (10) destroys or moves any level mark or water gauge fixed by the authority of a public servant;
- (11) passes, or causes animals or vehicles to pass, on or across any of the works, banks or channels of a canal or drainage work contrary to rules made under this Act, after he has been desired to desist therefrom;

Penalty

- (12) violates any rule made under this Act for breach whereof a penalty may be incurred, shall be liable, on conviction before a Magistrate of such class as the State Government directs in this behalf, to a fine not exceeding fifty rupees, or to imprisonment not exceeding one month or to both

71. Saving of prosecution under other laws

Nothing herein contained shall prevent any person from being prosecuted under any other law for any offence punishable under this Act : Provided that no person shall be punished twice for the same offence.

72. Compensation to person injured

Whenever any person is fined for an offence under this Act the Magistrate may direct that the whole or any part of such fine may be paid by way of compensation to the person injured by such offence.

73. Power to arrest without warrant

Any person in charge of, or employed upon any canal or drainage works may remove from the lands or buildings belonging thereto, or may take into custody without a warrant, and take forthwith

before a Magistrate or to the nearest police station, to be dealt with according to law, any person, who, within his view commits any of the following offences:-

- (1) Wilfully damages or obstructs any canal or drainage work:
- (2) Without proper authority interferes with the supply or flow of water in or from any canal or drainage work, or in any river or stream, so as to endanger, damage or render less useful any canal or drainage work.

74. Definition of "Canal"

In this Part the word "Canal" shall (unless there be something repugnant in the subject or context) be deemed to include also all lands occupied by the State Government for the purpose of canals, and all buildings, machinery, fences, gates and other erections, trees, crops, plantations or other produce, occupied by or belonging to, the State Government upon such lands.

PART XI OF SUBSIDIARY RULES

75. Power to make, alter and cancel rules

The State Government may, from time to time, make rules to regulate the following matters :

- (1) the proceedings of any officer who, under any provision of this Act, is required or empowered to take action in any matter;
- (2) the cases in which, and the officer to whom, and the conditions subject to which, orders and decisions given under any provision of this Act, and not expressly provided for as regards appeal, shall be appealable;
- (3) the persons by whom, and the time, place or manner at or in which anything for the doing of which provision is made under this Act, shall be done;
- (4) the amount of any charge made under this Act;
- (5) and generally to carry out the provisions of this Act.

The State Government may, from time to time, alter or cancel any rules so made.

Publication of rules

Such rules, alterations and cancellments shall be published in the official Gazette and shall thereupon have the force of law.

SCHEDULE. Repealed by Act XII of 1873

2. RULES ISSUED UNDER THE NORTHERN INDIA CANAL AND DRAINAGE ACT

RULES ISSUED UNDER THE NORTHERN INDIA CANAL AND DRAINAGE ACT

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**RULES ISSUED
UNDER THE
NORTHERN INDIA CANAL AND DRAINAGE ACT**

Applicable to :

1. Upper Bari Doab Canal
2. Western Jumna Canal
3. Sirhind Canal
4. Bhakra Canals
5. Eastern Canal
6. Shah Nehar Canal
7. Grey Canals
8. Bist Doab Canal
9. Sarusati Canal
10. Ghaggar Canal

as corrected up to 1-6-1957

**Government of the Punjab
PUBLIC WORKS DEPARTMENT
IRRIGATION BRANCH
RULES ISSUED UNDER ACT VIII OF 1873
WITH**

Punjab Irrigation Branch Notification No. 275 R.I. dated 13th March 1915

No. 4154-s/Rev. /Dated 14/9/35 No. 0179/R.I. dated 21-7-1913, No. 3725-I dated 17-8-1878, No 2359-1 dated 13-4-1883 **PATIALA AND EAST PUNJAB STATES UNION (PEPSU SIRHIND CANAL and Western Jumna Canal Rules enforcement and validation) Act 1954**, and as amended from time to time, applicable to Punjab Canals.

PART-III

ON CONSTRUCTION AND MAINTENANCE OF WORKS

1. **Section 18 Orders for construction of works** - The order which a Divisional Canal Officer may issue under section 18 shall be in writing, and shall be served on the persons concerned or their representative in the manner prescribed in rules 79-A to 79-I, inclusive.

I-B Notification No. 3041-R-204/45 dated 18th January, 1946.

2. **Section 20 Proceedings of the Superintending Canal Officers on reference -**

1. In a case falling under Section 20 the Divisional Canal Officer shall announce his decision to the parties interested, and within 30 days from the date of such announcement any person aggrieved by such decision may file an objection thereto in writing before the Superintending Canal Officer.
2. The Superintending Canal Officer shall not make any order in respect of the Divisional Canal Officer's decision until after the expiry of 30 days from the date of its announcement, and may then whether or not any objection shall have been filed make an order confirming or modifying such decision, or may direct that further enquiry and report be made by the Divisional Canal Officer on specified points, before he makes a final order.

Provided that no such order or direction shall be made in a case where any objection has been filed, unless not less than 15 days notice has been given to the objector of the date, time and place at which his objection will be heard, and unless the Superintending Canal Officer has heard the objector in support of his objection, in case he appears.

3. **Section 24 Proceedings of Deputy Commissioner** - The notice which the Deputy Commissioner is bound to give to the Canal Officer under section 24 shall not be less than 14 days.
4. **Section 29 Opening of new water courses** - Water shall not be admitted into any new water course until all works necessary for the passage across such water course, or water courses existing previous to its construction, and of the drainage intercepted by it, and for affording proper communication across it, for the convenience of the neighbouring lands, are completed to the satisfaction of the Divisional Canal Officer.
5. **Application for water** - All applications for water or for the construction or improvement of:-
Watercourses under Part III of the Act shall be in the form prescribed in Appendix No I

PART IV
ON THE SUPPLY OF WATER

6. **Section 31 Limit of length of water-courses** - Water shall not ordinarily be granted to lands where the length of the water course from its head to its point of contact with the field exceeds two miles.
7. **Section 16 Apprehended wastage** - A supply of water shall not be granted where, in the opinion of the Divisional Canal Officer, loss from wastage is likely to occur. From his decision an appeal may be preferred to the Superintending Canal Officer.

Notification No 3027 I, dated 12th August 1881 (22)

- 7-A Such Applications shall not ordinarily be granted in respect of lands where the available supply of water in the canal, distributary or water-course is already fully utilized.
8. **Section-31 Sanitary reasons** - The Divisional Canal Officer shall not engage to grant water for the irrigation of any kharif crops upon lands within one mile from the outermost houses of any town if such irrigation be objected to by the Municipal Committee (or, if there be no Municipal Committee, by the Deputy Commissioner) and the objection is approved by the Superintending Canal Officer and the Commissioner of the Division. Should these officers differ in opinion, the question will be referred to Government, in the Irrigation Department, whose decision shall be final.

Notification No. 3493 I, dated 26th June 1884 (29)

Section 31

- 8 (a) **Prohibition of irrigation in the vicinity of cantonments** : When the State Government has, by a notification, in the official Gazette, declared that the irrigation of certain crops within a specified distance from the boundary of a cantonment ought not, on sanitary grounds, to be permitted, no engagement for a supply of water shall be made against the terms of such prohibition.

Notification No. 0326 I, dated 5th July 1893 (114)

- 8(b) Every supply of water shall be deemed to be given subject to the condition that the water shall not be used for the cultivation of any particular kind of crop in any particular locality in which the use of canal water for that kind of crop has been prohibited by the State Government on sanitary grounds by a notification in the official Gazette. When, however, the right to impose this prohibition is exercised in regard to existing cultivation, the occupiers shall be entitled to such compensation, if any as the State Government may think just.
9. (Cancelled vide notification No. 1199-R-I. dated 20th August 1928)

Notification No. 3580/R/373/96 dated 19th January 1946.

Section 31

Filling of tanks within the irrigation boundary for watering cattle - Tanks may subject to the following provisions, be filled with canal water without charge and without reference to the area irrigated in any village whenever water can be made available without injury to the cultivation dependent on any canal :

- I. Except as provided in rules 12 and 12 (a) no tank shall be so filled unless exclusively used for domestic purposes, for watering cattle, or for the manufacture of bricks not subsequently burnt in a kiln, or for 'pise' wall building.
- II The lambardars of a village, in which there are one or more tanks for which a supply of canal water is desired., shall submit an application to that effect to the Divisional or Sub-Divisional Canal Officer, in which the number, names and approximate general dimensions of the tanks for which water is desired shall be stated. The sub Divisional Canal Officer, on receipt of the application and after any further enquiries that he may deem necessary, shall pass an order stating the number and names of the tanks to which canal water may be supplied, whenever it can be made available without injury to the cultivation dependent on the canal, and subject to the following provisions. A written license in the terms of this order shall be given to the applicant, and shall remain in force until revoked by a written order of the Divisional Canal Officer
- III Tanks shall be filled at such time as may be directed by the Divisional or Sub-Divisional Canal Officer either by a general or by a special order,. If it is desired to fill a tank at any other time, a written application shall be made to that effect. The filling of tanks shall be permitted only at such times and to such extent as the Divisional or Sub-Divisional Canal Officer may approve.
- IV No tank shall be so filled which by intercepting any line of drainage is liable to overflow from an accumulation of water derived from natural sources,
- V No tank shall be so filled when the water course used to fill it is, in the opinion of the Sub-Divisional Canal officer, in an unsound or unfit condition to carry the supply.
- VI The privilege afforded by clause II of this rule may, in addition to any penalty which may be incurred under the Act, be suspended for twelve months for breach of any of the foregoing provisions under a written order of the Divisional Canal Officer passed on a regular proceeding and enquiry in each case. From such order an appeal shall lie to the Superintending Canal Officer.
- VII In cases in which tanks have been filled without the licence prescribed in clause II, or during the suspension under clause VI of the privilege afforded by such license, or in which tanks for

which licenses have been granted have been filled at times other than those prescribed by the Divisional or Sub-Division Canal Officer under clause III, the water so admitted into such tanks may be charged for at such rate, not exceeding the rate for the time being in force for water supplied in bulk, as the Divisional Canal Officer may in each case direct. Against such charges an appeal shall lie to the Superintending Canal Officer.

I.B. Notification No. 3580/R/373/ 40 dated 19th January 1946

- 10-A Tanks outside the irrigation boundary may also be filled with canal water for purely domestic purposes on sanction by the Chief Engineer, under such conditions as may be laid down in each case.
11. **Contracts** - The Divisional Canal Officer, with the previous sanction of the Superintending Canal Officer, is empowered to make contracts for the supply of canal- water for purposes other than irrigation, not specified in schedule of rates, for any term not exceeding one year. For terms exceeding one year the previous sanction of the State Government shall be necessary.
12. **Charges for water used for purposes other than irrigation** - Tanks may be filled with canal water for purposes other than those stated in clause I of rule 10: such water will be charged for at rates and subject to conditions to be determined by the State Government in each case.
- 12-A. Irrigation may also be carried on from tanks, provided the previous sanction of the Sub-Divisional Canal Officer be obtained. The usual rates will be charged for such irrigation
13. **Water supplied to cantonments, towns etc** when water is supplied to forts or other military buildings, cantonments, civil stations, cities, towns, railways, public gardens or other places of public resort, either by filling of tanks or by direct flow, contracts at special rates, may be accepted by the Divisional Canal Officer with the previous sanction of the State Government.
14. **Water Power.** - The use of water power may be granted by the Divisional Canal Officer at such rates and under such conditions as may be sanctioned by the State Government in each case.

Notification No. 0138-RI, dated 23 June 1922 Section 32 (a)

15. **Tatils :-** Divisional Canal Officers are empowered, for purposes of administration, repairs and maintenance, to order the closure of any water-course for periods which shall not extend beyond 12 consecutive days. For longer closures the authority of the Superintending Canal Officer is required.

Section 32 (a) (1)

- 15-A Divisional Canal Officers are empowered to order the closure of any watercourse situated within municipal limits, for a period not exceeding twelve days, on receipt of a written declaration by the Medical Officer of Health that the watercourse is in such defective sanitary condition as to be a menace to public health. For longer closures the authority of the Superintending Canal Engineer is required.

16. Section 32 (a)

Orders for closures under rules 15 must be notified either:-

- (a) by a notification.
- (b) by a special order

Such notification or order shall be in writing under the hand of the Divisional Canal Officer, and a copy shall be conveyed by the canal establishment with due expedition to each village concerned, and delivered to the patwari, or in his absence, to any lambardar. The Receipt of each person to whom a copy of the notification or order is delivered shall be affixed to a schedule prepared for purpose, which shall be recorded in the Divisional Canal Office.

It shall be the duty of the patwari or lambardar who receives the notification or order above described to affix it at once in a conspicuous position in the village and to make its purport generally known.

Notification No. 0177-R I., dated 17th August 1920-Section 32 (a)

17. **Stoppage of supply in improperly maintained water courses** Stoppage of supply of water to any water-course under section 32 (a) (2) may be enforced when "A Canal Officer of rank not lower than Sub-Divisional Officer," has satisfied himself, by personal inspection, that the water-course is not maintained in proper repair. The order for such stoppage shall be in writing under the hand of the Divisional Canal Officer, and an immediate report shall be made to the Superintending Canal Officer, and the special grounds for stoppage explained. The Superintending Canal Officer's order shall be final.

Section 32 (a)

18. **Report of closures-** Immediate report shall be made to Superintending Canal Officer of all closures under case (1), section 32 (a)
19. Nothing in the foregoing rules shall be taken to affect the power of a Canal Officer, not under the rank of a Sub-Divisional Officer, to close any water-course or stop any supply of water on his own authority in cases which he deems to be of pressing emergency.

I.B. Notification No. 31429. R/112/ 29, dated 13th November 1944 Section 32 (b)

- 20.** Claims for remission of occupiers rates and ordinary charges other than Occupiers rates for the use of canal water.

Remission of Occupiers rates for failed crops.

I. Where damage is caused from failure or stoppage of supply or from causes other than those mentioned in Parts II-IV below:-

- (i) Claims for remission where failure is confined to individual fields may be presented to the Divisional or Sub-Divisional Canal Officer or to the Deputy Collector, by the cultivator or where a large part of an estate is affected, by the lambardar of the affected area to the Collector or Divisional Canal Officer, in each case before the crop is cut and not later than 10 days previous to such date as may be fixed by the Commissioner and the Superintending Canal Officer acting in agreement for commencing the kharaba inspections of the crops in question.
- (ii) the quantum of damage shall be as assessed in respect of each field by inspecting officers, and
- (iii) no remission is admissible under this part unless
 - (a) the failure of the crop is complete, i.e. it is less than a 4 anna crop and
 - (b) such failure is due entirely to causes beyond the control of the cultivator, in which case full remission shall be given.

II Where damage is caused by crop diseases or calamities such as hail, severe dust storms, extensive flooding rats, locusts or other pests.

- (i) Claims for remission may be presented by the cultivator or the lambardar of the affected area to the Divisional Canal Officer or the Collector before the crop is cut. The Divisional Canal Officer or the Collector may also initiate **suo motu** proposals for the grant of remissions in case no claims are received.
- (ii) The Divisional Canal Officer shall himself, or in consultation with the collector decide whether it is practicable to make a field to field inspection of the affected areas. If so, the quantum of damage shall be as assessed in respect of each field by the inspecting officer and if the crop is-
 - (a) more than a 4-anna crop but less than an 8- anna crop, then half shall be remitted.
 - (b) less than a 4-anna, the whole shall be remitted.
- (iii) In case the Divisional Canal Officer either by himself or in consultation with the collector decides that field to field inspection is not practicable, the quantum of damage to the crop will be assessed in relation to whole estates or portions thereof or to groups of estates.

If the Divisional Canal Officer and the Collector are agreed that remission shall be granted, and if the total remissions are not likely to amount to more than Rs. 25,000, in any Canal Division remission may be granted without further sanction. If remissions are likely to exceed this sum or if the Collector and the Divisional Canal Officer are not in agreement as to the necessity for granting remissions or as to the rate of remission to be granted, the case will be referred to the Commissioner of the Division, who will consult the Superintending Canal Officer. The reference should be in considerable detail, particularly in the event of disagreement between the Collector and the Divisional Canal Officer, and the views of both officers with reason, fully given. If the Commissioner and the Superintending Canal Officer are not in agreement, a further reference will be made to the Financial Commissioner, who will consult the Chief Engineer and if there is further disagreement the case will be referred to the Punjab Government for orders. The Commissioner and the Superintending Canal Officer, if in agreement, can grant remissions up to one lakh of rupees without further sanction, and the Financial Commissioner and the Chief Engineer, if in agreement can grant remission up to any amount which they deem to be necessary.

III Power relating to remissions under Parts I and II (ii) above where assessment of damage is on individual field

In cases falling under Parts I and II (ii) above where assessment of damage is on individual fields, the Divisional Canal Officer may remit upto Rs. 100 in the case of each individual cultivator, subject to a maximum of Rs. 2,000 in respect of a single estate, but where failure extends to a large part of an estate, the the Divisional Canal Officer and the Collector may, after consultation, and by mutual agreement remit up to a maximum of Rs. 500 in the case of each individual cultivator and Rs. 10,000 in respect of a single estate.

IV Where wide spread damage arises, occurs, or comes to light after the crop has been cut.

Where widespread damage arises, occurs, or comes to light after the crop has been cut, claims for remission may be presented by the cultivators or lambardars of the affected area to the Divisional Canal Officer or the Collector, but no remission can be granted except under the express orders of Government.

It shall be the duty of the Canal and Revenue officers to investigate the facts fully and submit a detailed report to Government, which should contain their estimate of the quantum of damage which has occurred. The report should make as close an estimate as possible of the amount of damage expressed in terms of annas in a rupee to the particular crop concerned taken over the whole of the revenue estate and not only over the fields in which damage has occurred. Such a calamity may affect a particular crop only but so far as that crop is concerned, it may be general over contiguous areas or may affect some fields and not other although the total extent of the damage is large.

V. Remission of ordinary charges other than Occupier's rates payable for the use of canal water.

Claims for remission of ordinary charges other than occupiers' rate payable for the use of canal water shall be admitted only on proof.

- (i) of the actual loss caused, and
- (ii) that such loss was caused by the stoppage of supply, and by no other cause.

Remission shall be in proportion to the quantum of proved loss as heretofore provided.

Such claims may be presented to a Divisional Canal Officer. Where a Divisional Canal Officer rejects such a claim, the claimant may prefer an appeal to the Superintending Canal Officer

- Notes
- (a) A normal crop is represented by 16 annas, and is one estimated to yield as much as the yield adopted by the Settlement Officer for that crop in framing his estimate of assets.
 - (b) Where there are two schedules of Occupiers' Rates on a canal this implies that a normal crop on land subject to the lower schedule has a smaller yield than a normal crop on land subject to the higher schedule.
 - (c) For the purpose of arriving at decisions required to be made by them under these rules the Divisional Canal Officer or the Collector may, either by himself or by any officer subordinate to him, enter upon and inspect any portion of the affected area, as well as unaffected areas adjacent thereto.

Notification No 40 R 1 dated 9th February 1930

20-A Who to be deemed "occupiers"

- I For the purposes of section 36 of the said Act, the following persons shall be deemed to be "occupiers" namely :
- (a) Where the land-owner is in actual cultivating occupancy, such land-owner.
 - (b) Where the land is in the actual cultivating occupancy of a tenant or sub-tenant, and the rent is not paid through a contractor the landlord and such tenant or sub-tenant.
 - (c) Where the land is in the actual cultivating occupancy of tenant or sub-tenant but the rent is paid through a contractor, the landlord, the contractor, and such tenant and sub-tenant.
 - (d) Where the land is in the actual cultivating occupancy of a mortgagee holding from a landlord, tenant or sub-tenant, such mortgagee and the mortgagor.

II In the cases referred to in clauses (b) (c) and (d) of clause I -

- (a) the landlord and the tenant or sub-tenant, or
- (b) the landlord, the contractor, and the tenant or sub-tenant or
- (c) the mortgagee and mortgager,

as the case may be shall be jointly and severally liable for the payment of the occupier's rate.

III The expressions "land owner," "landlord" and "tenant" in this rule shall have the meanings respectively assigned to them in the Punjab Land Revenue Act, 1887 (XVII of 1887) and the Punjab Tenancy Act, 1887 (XVI of 1887)

PART V OF WATER RATES

Section 36

21 **Charges for the use of water** - The charge for the use of water shall be made on the area irrigated at the rates specified in the schedules for the time being in force, and subject to the following rules. Proviso - vide Punjab Govt. Notification No. GSR/GA/8/1873/5/36 & 75 Dt 11/1/1965

Amendment With effect from Rabi Crop 1964-65 the following amendment in the rules issued with Punjab Government Irrigation Branch notification No. 275 R. I. dated 13 March 1915 namely :

In the said rules, to rule 21 the following proviso shall be added namely :-

Provided that for water used for the growing of fodder crops on any irrigated area, in excess of twenty percentum of the net cropped area of an occupier, the charge for the excess area leviable according to the rates specified in the schedules shall be increased by :-

- a) twenty-five percentum, if the irrigated area is situated within the limits of a municipality of the third class or a notified area or within a distance of five miles on all sides of the outer boundary thereof;
- (b) fifty percentum if the irrigated area is situated within the limits of a municipality of the second class or within a distance of five miles on all sides of the outer boundary thereof; and
- (c) one hundred percentum, if the irrigated area is situated within the limits of a municipality of the first class or cantonment or within a distance of five miles on all sides of the outer boundary thereof."

Notification No. 6616-1 dated 27th November 1888

22. **Charges leviable for a preliminary watering (Paleve) when no crop is sown** - When a field receives the first or preliminary watering, and afterwards no crop is sown, the lowest rate of charge for "lift or Flow" as the case may be, will be imposed.

Notification No 6616-1 dated 27th November 1888

- 22-A (1) When a field receives the first or preliminary watering and afterwards a crop is sown, there shall, subject to the provisions of paragraph (2) of this rule, be payable in respect of that watering the full rate specified in the appropriate schedule as the rate to be charged for canal water supplied for the irrigation of the crop.

(2) When provision is made in the schedule for a special rate being charged for a single watering followed by a crop on land irrigated from a channel to which the State Government has declared the special rate to be applicable, the rate to be charged for watering shall be such special rate and not the full rate which would otherwise be payable under paragraph (1) of this rule.

Notification No. 600 R 1 dated 6th may 1913

23. **Charge for mixed crops** - Mixed crops which have no specific name in the schedule of occupiers' rates shall be assessed at the highest rate leviable on any one of them.
24. **Charge for crops grown separately in the same field** - Crops grown separately in the same field shall be treated as mixed crops unless the division between them has been clearly marked by a well-defined ridge.
25. **Charge leviable on fields re-sown** - When the original crop sown in a canal irrigated field fails and is ploughed up, and a fresh crop is sown in the same season, the occupier's rate to be levied is that due on the crop which comes to maturity.

Section - 36

26. **Occupier's rate for fields partly irrigated** - If only a portion of field be irrigated, the occupier's rate shall be chargeable on the whole field, unless such portion shall have been clearly demarcated by a well-defined ridge.

Section - 36

27. **Charge leviable on fields partly irrigated from canals, partly from wells or other sources** - When a portion of a field has been irrigated with canal water, and a portion with water from a well or any other source, the whole field will be treated as irrigated with canal water, unless a clearly distinguishable boundary demarcated by a well defined ridge exists between the two portions. Where such a boundary exists, enquiry will be made whether the use of water from a well or any other source was owing to deficiency in the supply of canal water, in which case the canal charge on the portion irrigated by canal water should be reduced to lift rates.

Section - 36

28. **Use of Canal Water-Courses for conveyance of water from a well or any other source** – If water from a well or any other source is conveyed in the same channel as canal water in the course of the same season, the whole of the irrigation from that channel during such season is liable to be treated as irrigation from the canal.

Section 36

29. **Charge leviable from permanent irrigation from escapes** – Irrigation from escape channels, when the supply is permanent, shall be governed by the same rules as irrigation from other parts of the canal.
30. **Charge leviable for intermittent irrigation from escapes** -Irrigation from such channels when the supply is intermittent may be allowed at such reduced rates as shall from time to time be fixed by the Local Government in each case.

Section - 37, 38 & 39 Notification No. 154 CA/1243/56 dated 31st May 1957

Rule 30 - A regarding levy of owner's rate printed at page 25 of the re-printed copies of the Northern India canal and Drainage Act VIII of 1873 has been inadvertently inserted. The notification No. 154/CA/1243/56, dated 31st May, 1957, was not published in the Punjab Government Gazette. The correct rules for the levy of owner's Rates are those notified with Punjab Government Notification No. 412 -IW-59/156, dated 6th/8th January, 1959.

RULES UNDER SECTION 37 TO 39 OF NORTHERN INDIA CANAL AND DRAINAGE ACT 1873 (VIII OF 1873)

1. **Owner's Rate** : Where any irrigation scheme has come into operation for any one of the following purposes, namely :
- (a) Extension of irrigation to new area from any existing or projected canal
 - (b) extension of irrigation to areas situated within the approved irrigation boundary of an existing canal system.
- there shall be levied an owner's Rate recoverable from the owners of the areas so irrigated, as below :
- (i) Perennial irrigation ... Rs. 3 per acre matured.
 - (ii) Restricted perennial
Irrigation Rs. 2 per acre matured.
 - (iii) Non-perennial (Kharif)
Irrigation Rs. 1.50 per acre matured.

provided that :

- (a) Where in an irrigation scheme only lift irrigation is possible, and arrangements for the same are maintained and operated by the land owners, the owner's rate shall be on half of the rates payable for gravity flow irrigation;
- (b) Where on a land, crops are matured by irrigation from drains or escape channels, falling under the definition of "Canal" as given in the Northern India Canal and Drainage act, 1873, owner's Rate equal to the rate prescribed for non-perennial irrigation shall be payable

2. **Realization of Owner's Rate** The amount of Owner's Rate shall be shown separately in the demand statements of P.T.O. occupier's rates, and shall be realised from landowners in the same manner as prescribed for the recovery of Occupier rates.

3. **Remission of Owner's Rates** Where Occupier's rates on any land has been remitted under the rules being in force relating to any canal, the Owner's Rate in respect of that shall be deemed to be remitted automatically, and the landowner concerned need not put in an application for remitting the same, separately.

(B) Where in an irrigation Scheme only lift irrigation is possible, and arrangements for the same are maintained and operated by the landowners, the Owner's Rate shall be one-half of the rates payable for gravity flow irrigation.

(C) Where on a land, crops are matured by irrigation from drains or escape channels, falling under the definition of "Canal" as given in the Northern India Canal and Drainage Act VIII of 1873, Owner's Rate equal to the rate prescribed for non-perennial irrigation shall be payable.

(D) The amount of Owner's Rate shall be shown separately in the Demand Statements of Occupier's Rates, and shall be realized from the landowners in the same manner as prescribed for the recovery of Occupier's Rates.

(E) Where on a land Occupier's Rates have been remitted under Rule 20 of the Act, the Owner's Rate in respect of that land shall be deemed to be remitted automatically, and the landowner concerned need not put in an application for the same, separately.

31. When a natural drainage channel or reservoir, not being part of the canal, is used as an escape channel, if it is so used at the request of persons desirous of irrigation from it, the same rates shall be chargeable from irrigation from it as for irrigation from an escape channel. Provided that the area, if any irrigated from it previous to the introduction of canal water shall not be liable to water rate, the amount of such area shall be determined by the Deputy Commissioner. In all cases in which water is supplied under this rule, a written contract shall be executed, setting forth the terms on which it is supplied.

32. Charge leviable for taking water from a canal without permission or at times prohibited by proper authority (i.e., during tatils).-

Persons taking water from a canal without precession or at time prohibited by proper authority shall be chargeable with a special rate as below in respect of all lands on which water has flowed :-

Sections 31 & 33

- (i) **Culivated land** - the special rate in this case will be equal to six time and in addition to the ordinary occupiers' rate leviable on the crop standing at the time in the area;
- (ii) **Uncultivated land** - equal to six times the highest rate prescribed by State Government in the schedule of occupiers' rates for any one crop.'
- (iii) **Ponds, etc.** Equal to six times the bulk rate sanctioned for the time being by the State Government :

Provided that in each case the Divisional Canal Officer may impose a lower charge if he thinks fit, and provided further, that this charge may be made for each distinct and separate occasion on which water is so taken.

If the person or persons taking water from a canal in an unauthorized manner cannot be identified, the persons chargeable shall be determined in accordance with the provisions of section 33 of the Canal Act provided the water is conveyed through a watercourse.

Sections 31 and 33

33. **Charge leviable for canal water used in an unauthorised manner or suffered to run to waste** - Persons using canal water in an unauthorised manner or suffering it to run to waste shall be chargeable with a special rate in the same manner and at the same rates as prescribed in Rule 32

Sections 31, 33 & 34

Provided that in every case the Divisional Canal Officer may impose a lower charge, if he thinks fit, and, provided further, that this charge may be made for each distinct and separate occasion on which water is so used.

If the person or persons using water in an unauthorized manner or suffering it to run to waste cannot be identified, the persons chargeable shall be determined in accordance with the provisions of section 33 or 34 of the Act, as the case may be.

For the purposes of this as well as the preceding Rule, the area shall be measured up as soon as possible, and the persons chargeable with the special rate having been determined, notice shall at once be given to them on each such occasion that they will be charged accordingly in the demand statement for the area thus watered.

The special rate shall be in addition to such penalties as may be imposed under section 70 of the Act.

33-A * * *

34. An appeal against any charge made under rule 33 on account of water run to waste may be preferred to the Deputy Commissioner,

34-A An appeal against any charge made under rules 22 to 33 inclusive other than for water run to waste, may be preferred to the Commissioner.

Section - 75

35. **Schedule of rates to be accessible to villagers** - The patwari of every village irrigated by canal shall be furnished by the Divisional Canal Officer with a statement in Urdu, showing the rates of assessment per ordinary local and canal measurements, which statement shall be suspended in the chaupal or in a conspicuous position in a place of public resort.

Notification No. 2236 I dated 13th May 1892 (88)

36 Patwaris' fees (This rule has been cancelled)

Notification No. 534 I dated 28th Feb. 1901 (208)

As amended vide Punjab Govt. Notification No. 2560/R/1094/56 dt. 18-9-1957

Section 47

37. "Lambardars" Fee the allowance to Lambardars, or other persons collecting from cultivators shall be three percent on the amount collected on account of water Rates on condition that the full amount due has been paid for each estate by the date fixed by the Financial Commissioner and that the Lambardar has performed his duty connected with the assessment, such as personal attendance or deputation of a proper substitute at the time of measurement and correct report of irrigation.

The allowance to Lambardars or other persons collecting from cultivators shall be one per cent on the amount collected on account of charges for tubewell irrigation on the condition that full amount has been paid for each estate by the date fixed by the Financial Commissioner and that the lambardar has performed his duty connected with collection such as distribution of demand slips, realisation of the amount and depositing the same into the Treasury,

Provided that it shall be at the discretion of the Deputy Commissioner of Divisional Canal Officer, as the case may be, subject to the appeal allowed by rule 76, to withhold the whole or part of the allowance prescribed in Rule 37, in the event of the conditions not being complied with.

PART VI
NAVIGATION

Sections 49, 51 & 53

38. **Tolls** - When a government Canal shall have been declared by the local Government open for navigation, tolls and Charges on boats and rafts plying there on shall be levied on such a system and at such rates, as shall be from time to time determined by the local Government with the approval of the Government of India; such system and rates being published by notification in the Government Gazette.

Notification No. 6063 I dated 29th Oct 888(52)

39. **Ferry & Steam boats** - Ferry and steam boats shall not be permitted to ply on the canal except under written licenses which shall be in the forms contained in Appendices II and II (A) respectively from the Divisional Canal Officer, and subject to conditions therein laid down. An appeal against an order revoking such licenses may be referred within 15 days to the Superintending Canal Officer, whose order shall be final.
40. **Measurement** - Every boat or raft entering a Government canal shall be liable to measurement for the purpose of ascertaining the amount of toll the boat or raft shall pay, according to the schedule of rates in force for the time being.
41. **Number** - Every boat, at the time of first measurement shall be given a serial number, by which it shall be distinguished while plying on the canal. The number shall be fixed on the part of left hand bow of the boat and shall not be less than eight inches in height and shall be of such a colour as to be easily distinguishable at a distance of 100 yards.
42. **Ticket** - Every boat on entering a canal shall be furnished with a ticket, in the form contained in Appendix III, which shall specify the number of the boat, the date on which it entered the canal, the name of the owner of the boat, his occupation and place of abode, and the name of the person in charge of the boat. Upon leaving the canal, the Divisional Canal Officer shall enter on the ticket the date of leaving, and shall return the ticket to the person in charge of the boat.
43. **Dimensions** - No boat above 14 feet beam over all shall be allowed in a canal on which the locks are 16 feet in width, and no boat above 18 feet beam over all in a canal on which the locks are 20 feet in width. No raft of more than 14 feet in width and 90 feet in length shall be allowed on any canal, the locks of which are 16 feet and no raft of more than 18 feet in width and 100 feet in length will be allowed in a canal, the locks of which are 20 feet in width.
44. **Tolls payable in advance** - Tolls on boats are payable in advance and no boat shall be allowed to leave any canal on which it is plying until all such tolls and charges have been duly liquidated. The Officer granting permission for the boat's removal shall sign the certificate at

the foot of the ticket given under Rule 42 (Appendix III) after satisfying himself that all claims against the boat have been paid.

45. **Receipt for tolls** - Tolls may be paid either to the Divisional Canal Officer or to the person appointed by him, herein after called the agent, at any of the toll stations, and a receipt, in the form contained in Appendix IV, shall be granted for the same.

Notification No. 2193 I dated 10th May 1892 (87)

46. **Pass for boats** - This rule has been cancelled.
47. **Pass to be shown when required** - It shall be obligatory on the person in charge of a boat to show the pass granted under Rule 42 when called upon to do so by the Divisional Canal Officer or his authorised agent.

Notification No 0368-R I dated 28 July 1926

48. **Every boat or raft to be navigated by two persons** - No boat or raft shall be navigated by less than two adult persons, except from Dadupur to the Jagadhri Timber Depot, in which reach rafts whose length does not exceed 55 feet may be navigated by one adult person per raft.
49. **Pass for rafts** - Passes in the form shown in Appendix VI shall be granted to persons wishing to float rafts down a canal upon application to the Divisional Canal Officer, or the nearest agent. No raft unprovided with a pass shall enter a canal.

Notification No. 1394 R I dated 23rd Nov. 1921

50. **Removal of rafts from canal** - On reaching the destination specified in the pass, the person in charge of a raft shall, within two days, deliver the said pass to the local agent who if all is in good order, shall authorise removal of the raft, which shall be effected within five days, from the time of permission being granted unless written authority to defer removal be given by the agent.
51. **Divisional Canal Officer empowered to remove rafts** - Rafts not removed within the time required by Rule 50 and rafts found unattended may be taken out of the water by the Divisional Canal Officer or his agent.
52. **Rafts without passes** - Any raft found in Government canal unprotected by a pass, may be charged with double toll reckoned on the distance from the head of the canal to the place where such raft shall be removed from the canal.
53. **Double rates to be charged for excess over quantity shown in pass** - Double rates shall be leviable on all articles in excess of the quantity of each kind specified in the pass granted under Rule 49
54. **Removal of rafts lodging against canal works** - Every person floating a raft in a canal shall so navigate it that it shall not lodge against any canal works, and if any raft so lodges or causes

obstruction, it shall at once be broken up and removed by any canal Officer on the spot.

55. **Masts** - Boats must have their masts fitted so that they can be let down with ease and speed; and no mast shall be so high as to stick or scrape any bridge under which the boat may pass.
56. **Boats and rafts to be fastended fore and aft** - Every boat or raft which is brought to alongside of a canal bank or wharf must be securely fastended fore and aft to the bank of wharf; no boat or raft can be brought up outside another so moored without the permissions of the Divisional Canal Officer.
57. **Boats and rafts to be moored so as not to obstruct traffic** - No boat or raft shall be placed in such a position as to endanger the safety of other boat or rafts, or to obstruct their passage or to impede navigation and no bamboos or poles shall be allowed to be erected or to remain erected on vessels moored to the bank.
58. **Every boat or raft when brought to have some one on board.** - Every boat and raft when brought to shall at all time have some person in attendance on board.
59. **Wrecks** -In every case a wreck or obstruction of a canal channel by a sunken, or partially sunken boat or raft, the Divisional Canal Officer may call upon the owner or person in charge to remove the same without delay should the owner or the person incharge not be forthcoming or should he refuse to remove the wreck obstruction or should be not within 48 hours commence to remove the wreck or obstruction then the Divisional Canal Officer may undertake the removal under section 49 of the Act.

Notification No 3027 I dated 12th August, 1881 (22)

60. **Banks or berms not to be used as wharves** - The banks or berms of the canal shall not be used as wharves for the deposits of goods, except with the permission of the Divisional Canal Officer, or of some person authorised on his behalf.
61. **Goods to be removed from canal lands** - All goods shall be removed from canal lands within seven days, unless the written permission of the Divisional Canal Officer be obtained to their remaining longer. All goods deposited on canal lands must be properly stacked, and so placed as not to interfere with other traffic. In the event of such goods not being removed when required a charge of four annas per 100 mounds per diem shall be levied when the goods are susceptible of being reckoned by weight or a proportionate charge shall be determined by the Divisional Canal Officer when the goods are reckoned by number. This rule does not apply to canal warehouses, for which special rules will be formed.
62. **Boats or rafts liable to be examined** - Any Boat or raft plying on a canal may be examined by any Canal Officer, of rank not inferior to a Sub-Divisional Officer, or by any agent, provided

that there is reason to believe that the owner or the person in charge there of is attempting to evade the Canal Rules.

Notification No 0591 I dated 27th August 1984 (129)

- 63 **Canal closures** - Any canal may be closed once a year for the execution of needful works, on one month's notice published in the Government Gazette of the intention as to close it. Any canal may also be closed at any time without notice in the event of any sudden emergency, and no claim for compensation to any owner or person in charge of any boat or raft navigating the canal shall be created by unavoidable detention resulting from such closure or from the depth of water being at any time unavoidably reduce in the canal, or from the failure of any weir, lock, bridge or other work in the canal bed. The fact of an emergent closure having been authorised shall be notified in the Government Gazette whenever the duration of such closure may be likely to exceed or shall have exceeded, three days.

**PART VII
OF DRAINAGE WORK**

(Rules Published with Punjab Government Irrigation Branch notification No. 1120/CA/ 1446/ 53 dated / 2.8.1954 and amended vide Irrigation Branch notification No. 1417/CA/1446/53 dated 1.4.1955).

Sections 57, 59, & 60

- 63-A **Mode of Publication of drainage works schemes** - A scheme for drainage works, under section 57 of the Act, shall be published in the Official Gazette together with an estimate of its cost and a statement of the proportion of such cost which the Government proposes to defray, and a schedule of the lands, which it is proposed to make chargeable in respect of the scheme; and translations thereof in Hindi, Gurmukhi or Urdu shall be posted.

- (i) At the Office of the Deputy Commissioner and Divisional Canal Officer;
- (ii) At conspicuous places in the locality affected by the scheme, such as Tehsils and Thanas; etc;

and shall also be published by beat of drum or in any other customary manner.

- (2) **Cost of the drainage works scheme**- The term "Cost" in section 57 of the Act, shall be deemed to mean the total charges of construction of the drainage works scheme and shall include the cost of land, if any, acquired for the drainage works, departmental charges, and such interest charges as may be ordered by the Government in accordance with its financial rules.
- (3) **Calculation of drainage rate** - The portion of the cost to be recovered from the owners of lands benefited by the scheme shall be worked out on the basis or the area served by the

scheme in the following manner :

- (i) Total cost of the scheme A
 - (ii) Amount recoverable from the owners (Total cost of the scheme less the portion that Government proposes to defray) B
 - (iii) Total area that will be served by the scheme C
 - (iv) Rate per acre of the areas served by the scheme $\frac{B}{C} = D$
 - (v) Area benefited in a village V
 - (vi) Total recovery from the village $V \times D$
 - (vii) Total revenue of the village R
 - (viii) Amount recoverable per rupee of land revenue from the village $\frac{V \times D}{R}$
 - (ix) Revenue paid by a land owner r
 - (x) Amount recoverable from the land owner $\frac{V \times D \times r}{R}$
- (4) **Option of landowner for mode of payment** - On publication of the drainage works scheme, the Divisional Canal officer shall publish in the villages affected thereby that the owners of lands chargeable in respect of the Scheme should intimate to him through an application, in writing, within 15 days of the date of such publication, their option with regard to the manner of payment.
- If no intimation regarding manner of payment or an objection under Rule 5 infra is received by the Divisional Canal Officer from any land owner within the period prescribed, it shall be presumed that he proposed to contribute in cash.
- (5) **Disposal of objections as to the ownership of lands chargeable in respect of drainage charges** - Any aggrieved land-owner may present a petition, in writing to the Divisional Canal Officer within 15 days of the publication referred to in Rule 4, stating his objections. The Divisional Canal Officer shall after giving him an opportunity to support his objection and after such verification as may be necessary, either confirm, vary or cancel the assessment against him.
- (6) **Conditions for surrender of land in lieu of drainage charge** - Surrender of land by any land-owner in lieu of full or part payment of drainage charges shall be acceptable only if the area to be surrender is free from all encumbrances and comes within the area to be acquired

by the Government for the execution of the drainage scheme concerned.

Where land is given by the owners, due credit for the cost of such lands will be given to the recoveries of drainage charges to be effected from the land owners.

- (7) ***Evaluation of land offered for surrender in lieu of drainage charges*** - The value of land surrendered in lieu of drainage charges will be determined as per rules laid down in Financial Commissioners' Standing order No. 28 by the collector.
- (8) ***Apportionment of dues among joint ownership*** - If any land on which charges are levied, is owned by more than one person, the Divisional Canal Officer, on receipt of application from any one of the owners will distribute the charges amongst all owners according to their shares in the said lands as per Revenue Records.
- (9) ***Condition for offer of labour in lieu of drainage charges*** - The offer of labour made by any land owner in lieu of full or part payment of the charges shall be accepted, if the labour is to be performed only by able bodied adult males between the age of 18 and 55 years and shall be subject to the following conditions.
 - (i) The land owner, who choses to contribute in labour will inform the Divisional Canal Officer, or the Sub-Divisional Canal Officer concerned, of the quantum of labour that he would supply, and the Divisional Canal Officer or the Sub Divisional Canal Officer will intimate to the Tehsildar , through the collector, that corresponding recoveries be held in abeyance.
 - (ii) The quantum of labour will be supplied in the digging of the drain in question, which the Divisional Canal Officer or the sub-Divisional Canal officer will specify to the owner. The Divisional Canal Officer or the Sub-Divisional Canal officer will allocate the reach in which he will accept the labour.
 - (iii) The period for which recovery will be held in abeyance will be the period specified for the digging of the drain and will be fixed by the Divisional Canal Officer in each case.
 - (iv) The Divisional Canal Officer or the Sub Divisional Canal Officer will communicate, at the expiry of the period, to the Tehsildar, through the collector, the remission to be granted to each owner for contribution by way of labour.
- (10) ***The rate of labour offered by a land-owner*** - The rate of labour, offered by a land owner in lieu of payment of drainage charges, will be the rate for the time being paid by Government in the neighbourhood for similar works.
- (11) ***Distribution of demand slips*** - As soon as the demand statements in respect of drainage charges for any village are completed, the copies of demand slips meant for assesses will be sent to a Canal Patwari or a Civil through the Collector. The Patwari will deliver those to Lambardar concerned within 5 days of their receipt by him. The Lambardar will distribute

them among assessees or failing them to their recognised agents or an adult male member of the family of an assessee within 5 days of receipt of these demand slips from Patwari. The acknowledgement of assessees for demand slips shall be submitted by Lambardars to Divisional Canal Officer under a registered post through Canal Zilladar concerned within 10 days of their receipt from Canal Patwari.

- (12) ***Submission of demand Statement to Tehsils*** - One copy of the Demand Statement for each village shall be sent to the Tehsil concerned through the collector for recovery. The Divisional Canal Officer may lay down if recovery is to be made in one or more instalments.
- (13) ***Procedure of recoveries*** - Any amount due from an assessee under a notice of Demand for drainage charges shall on demand be payable to the Lambardar concerned. The Procedure for recovery will be the same as followed in the case of recovery of land revenue and water rates.
- (14) ***Objections by land-owners to amount shown in the demand statement and their disposal*** - Any owner may present his objections against the amounts shown in the demand statement to the Divisional Canal Officer concerned, within 15 days of the date of receipt of the demand slip by him or his agent or any adult male member of his family.

PART VIII

OF OBTAINING LABOUR, ETC.

64. Part VII Section 63

Persons exercising the handicrafts detailed below shall , in addition to the agriculturists, be deemed labourers for the purposes referred to in Part VIII

Workers in leather	--	Mochi
Workers in oil	--	Teli
Workers in earthenware	--	Kumhar.
Weaver	--	Julaha
Washerman	--	Dhobi
Water carrier	--	Bhisti
Barber	--	Nai
Bearer	--	Kahar
Fisherman	--	Jhiwar.
Millers generally	--	Kahar.

PART X
OF OFFENCES AND PENALTIES

65. **Section 70 Offences under Canal Act triable by Magistrates of the 2nd Class** - The Governor in Council is pleased, under section 70 of the Act, to direct that charges of offences under that section shall be cognizable by a magistrate of the 2nd class.
66. **Section 70 clause 11**
- No person, without the permission in writing of the Divisional Canal Officer, shall pass, or shall cause any animal or vehicle to pass on or across any of the roads, works, banks or channels of a canal, or drainage work, after he has been desired to desist therefrom, excepting upon such bridges, fords and ferries, and their approaches, as are provided by the Division Canal Officer.

PART XI
SUBSIDIARY RULES

67. **Assessment and realization of occupier's rate** - The amount demandable for occupiers' rate shall be determined and apportioned by the Divisional Canal Officer, and the Deputy commissioner shall realize the sums due.
68. **Section 75 Khatauni to be accessible to villagers** - The Patwari is responsible that the village copy of the Khatauni or demand statement is at all time accessible to any person who pays for canal water.

Notification No. 1077-I dated 21st April 1897.

69. **Distribution of parchas** - As soon as the khatauni and parchas of a Canal Patwari's Circle are completed, the Canal Patwari shall inform the Lambardars of the dates on which the parchas will be distributed in each village. The Lambardars shall call upon the irrigator to attend and receive the parchas from the Canal Patwari. Undistributed parchas shall be entrusted to the Lambardars of the village. The Canal Patwari shall in every case endorse the date of distribution on the parcha.

Section 75

Notification No.-1077-I dated 21st April 1897

70. **Complaints against khasrah entries** - If a cultivator desires to contest the correctness of the entries made against him in the demand statement, whether as to the fact of the land having been irrigated or of its being charged "flow" or "lift" or as to the measurement and entries of class or crop he must lodge a complaint with the Divisional or sub Divisional Canal officer or Deputy Collector or zilladar, within twenty one days of the date on which the parchas were distributed on the completion of the measurements of the village or if he has been charged

without having done any irrigation from the canal during the harvest under assessment or if no parcha has been delivered either to him or to the lambardars, within ten days of the date on which he first became acquainted with the claim against him; and the claim shall be investigated on the spot within fifteen days of receipt and promptly decided.

On a complaint being presented to a Zilladar, he will immediately make local enquiry and report the circumstances of the case to Sub-Divisional Officer for orders.

The order of the Divisional or Sub-Divisional Canal Officer or Deputy Collector, in such case shall be forthwith communicated to the complainant, and shall be subject to appeal to the Commissioner of the Division.

Section 75

71. *Objections may be made by a Lambardar, etc. on behalf of cultivators* - When a Lambardar or other person is responsible, under sections 46 and 47 of the said Act, for the payment of the occupier's rates in a village, or any portion of a village, complaints under these Rules may be lodged by such Lambardar or instead of by the cultivators, and any refund that may be necessary in consequence of the order passed upon objection so lodged, shall be paid by the Deputy Commissioner to such Lambardar or contractor on account of the cultivator concerned.

Notification No. I - R I dated 2nd January, 1902.

72. *Method of dealing with alterations in the demand* - If after the giving of the parcha any addition is made to the demand, or any reduction is allowed on a claim under rule 20 or appeal under rule 34 or by way of remission under section 32, clause (b) of the Act or otherwise such addition or deduction shall be communicated to the cultivator by means of supplementary parchas. Demands shall be shown in black and remissions in red letters. All such alteration as are made before the despatch of the khatauni to the Deputy Commissioner shall be included in that document, and shall also be written on slips similarly printed (black for additions and red for deductions) and attached to the khatauni. Alterations made after the despatch of the khatauni shall be communicated to the Deputy Commissioner by means of similar slips.
73. *Objections to the demand* - Objections to the demand urged before the Deputy Commissioner shall be referred by him to the Divisional Canal Officer, the collection not being suspended, except on the receipt of an intimation from the Divisional Canal Officer that an objection has been admitted by him.

Notification No. 0272 RI dated 9 October, 1906

74. *Irrecoverable balance* - Balances found to be irrecoverable owing to want of assets absconding of defaulter, or any other such cause, and claims to refund on the ground of mistakes in collection,

shall be dealt with by the Deputy Commissioner under the rules for suspension, remission and refund of land revenue.

Notification No. 054 R I dated 21st June 1915

75. *Payments of Refunds* (This rule has been cancelled)

Section 75

76. *Appeal against retrenchment of fees* - An appeal against retrenchment of fees of Lambardars shall lie to the Commissioner of the Division or Superintending Canal Officer, according as the retrenchment has been made by the Deputy Commissioner or Divisional Canal Officer.

77. *Receipts for water rates* -Receipts shall, when demanded be given by the Lambardar of other person making the collection to each cultivator on payment of occupier's rate.

Section - 75

78. *General prohibition* - No person employed on a canal shall, without previous sanction obtained from the Divisional Canal Officer have any interest in the distribution or use of water from the said canal, or purchase, or bid for, any Government property sold thereon either in his own name, or in the name of another or jointly, or in shares with others.

Procedure

79. **This Rule was framed only for Dara Ghazi Khan district**

Service of Summonses And Notices and the Publication
of Notices, Proclamations, & c.

Notification No. 0271-I dated 20 June 1898

- 79 -A Every summons, notice order requisition and proclamation which under the Northern India Canal and Drainage Act, 1873 or the rules thereunder is required to be served on, or issued, delivered or communicated to any person or published for general information, shall be so served, issued, delivered, communicated or published (as the case may be) as hereinafter provided.

- 79-B Every such summons, notice order requisition or proclamation shall be drawn up in writing and dated and signed by the officer having authority to issue or make the same.

- 79 C Every public notice or proclamation shall be issued or made by posting Certified copies thereof:

- (a) at the Office of the Officer giving or making the same in such manner that such notice shall be accessible to the public;

- (b) at convenient places in the locality or near the residence of the persons affected thereby, and by beat of drum or oral proclamation or other customary method.'
- 79 D Every summons, notice, order or requisition which is required to be served on or delivered or communicated to any person shall, where never possible, be so served, delivered or communicated
 - (a) personally on or to the person to whom it is addressed, or, failing him
 - (b) on or to his recognised agent, or failing such agent.
 - (c) on an adult male member of his family usually residing with him.
- 79 E If service, delivery or communication cannot be so effected or if acceptance of service, delivery or communication is refused, the summons notice, order or requisition may be served delivered or communicated by posting a copy thereof at the usual or last known place of residence of the person to whom it is addressed, or if that cannot be done, then in such other manner as the Officer authorised to issue or make the same may specially direct.
- 79 F. If the summons, notice, order or requisition relates to a case in which persons having the same interest are so numerous that personal service on each one of them is not reasonably practicable, it may be served, delivered or communicated by delivery of a copy thereof to such of those persons as the Officer authorised to issue or make the same specially nominates in this behalf, and by proclamation of the contents thereof for the information of the other persons interested.
- 79 G A summons, notice, order or requisition may be served on or delivered or communicated to the person named therein, either in addition to, or in substitution for, any other mode of service by forwarding the summons, notice, order or requisition by post, in a registered letter addressed to that person.
- 79 H When a summons, notice, order or requisition is so forwarded in a letter, and it is proved that the letter was properly addressed and duly posted and registered, the Officer authorised to issue or make the same may presume that the summons was served at the time when the letter would be delivered in the ordinary course of post.
- 79-I In every case in which service of any process is not effected personally, the Officer authorised to issue the same shall satisfy himself, by examining the process server or otherwise, that such service has been duly effected in the manner required by these rules.

Of Appeals and References and the Procedure therein

80. **Interpretation** - In the following rules the expression "the court" denotes the Officer to whom in the particular case an appeal may be preferred under the provisions of the Act, or the rules made thereunder for the time being in force.

81. **No appeal except when expressly given** - No appeal shall lie from any decision or order given or made under any provision of the Act, except where an appeal is expressly allowed by the Act or by the rules made thereunder for the time being in force.
82. **Period for appealing** - The period for presenting an appeal shall be thirty days, unless any other period is expressly prescribed, and in the latter case the period so prescribed.

Extension of time

But any appeal may be admitted after the period prescribed when the appellant satisfies the Court that he had sufficient cause for not presenting the appeal within such period.

If the period prescribed expires on a day when the Court is closed, the appeal may be presented on the day that the Court re-opens.

83. **Calculation of period** - The period prescribed shall be calculated from the date of the decision or order appealed from, and in computing such period, the day when the decision or order was made, and the time requisite for obtaining a copy of the decision or order appealed against shall be excluded.
84. **Form of appeal** - The application for admission of an appeal shall be stamped in accordance with the law in force relating to court fees, and shall be accompanied by a copy of decision or order appealed against and shall state concisely the grounds upon which the appeal is preferred.
85. **When appeal may be summarily rejected** - The application may be rejected if, upon perusal of the grounds of appeal and the copy of the decision or order appealed against, it appears to the Court unnecessary to call for the proceedings.
86. **Procedure on admission of appeal** - If the application be granted an entry thereof shall be made in a register of appeals numbered consecutively, and a day shall be fixed for the hearing of the appeal.
87. **Notice of hearing to be given** - Notice of the date and place fixed for the hearing of the appeal shall be given to the appellant in such manner as the Court may direct, and to every other party to the case whose interest is opposed to that of the appellant in the manner hereinafter prescribed.
88. **Contents of notice** - A written notice containing the title of the Court, the names of the parties, the date and place fixed for the hearing of the appeal, and such other particulars as the Court may, by general or special order direct, shall be issued in duplicate under the hand and seal of the Court.
89. **Mode of service** - All notices and processes issued in connection with appeals shall be served in the manner prescribed by rules 79A to 79 I in connection with the service of summonses as notices generally.

90. **Acknowledgment of personal service** - When personal service is effected, the addressee shall be required to acknowledge the service by affixing his signature, seal or mark on the back of the duplicate copy to be retained by the serving officer.
91. **Memorandum by serving officer** - The serving officer shall in every case endorse on the duplicate copy a memo signed by him of the date and mode of service, and return such copy to the Court which issued it.
92. **Cost of service** - The cost of serving any notice shall be borne in the first instance by the party appellant, and shall be paid to the proper officer of the Court before such notice is issued. The charge made for service shall be in accordance with the lowest civil process scale for the time being in force.
93. **Hearing may be post poned or adjourned** - The hearing of an appeal may be postponed or adjourned from time to time as the Court may see fit by written order to direct, to any subsequent date, and notice of such date shall be given to the parties in such manner as the Court may direct.
94. **Attendance or representation of parties not essential** - The attendance of the parties, in person or by representative, shall not be necessary at the hearing of any petition of appeal, or of any appeal, but any party so attending shall be entitled to be heard.
95. **Court to be satisfied before hearing that notice has been received by parties** - The Court shall not proceed to the hearing of any appeal unless and until it is satisfied that notice of the date and place fixed for such hearing has been received by the parties concerned in sufficient time to permit them to appear or to be represented at such hearing. Provided that the Court may presume that notice has been received when a written notice has been served in any of the ways described in rule 89 above. Provided also that an appeal may be heard and decided, notwithstanding the absence of any party who is shown to the satisfaction of the court to be wilfully evading service of notice.

What parties present.

96. **Procedure on hearing** - (a) The Court before passing its order or decision on the appeal, shall records in writing which (if any) of the parties to the appeal are present, in person or by representative, at the hearing thereof.

Further enquiry by appellate Court

- (b) The Court, if it think further enquiry necessary, may conduct such enquiry itself, and in such case shall be deemed to be an officer with the powers described in section 69. of the Act.

The decision or order of court

- (c) When the hearing of the appeal is concluded, the decision or order of the Court shall, when practicable. be pronounced forthwith, and shall be recorded in writing siting signed by the

Court, and the substance thereof shall be explained to such of the parties or their representatives as are present when the decision or order is passed or given.

Translation thereof

- (d) Every decision or order recorded in English shall be translated into Urdu and the translation shall be authenticated by the signature of the Court and filed with the proceedings.
- 97. ***Copy thereof to be sent to subordinate officer*** - A copy of the decision or order shall be transmitted by the Court to the Officer from whose decision or order the appeal was preferred.
- 98. ***Copies to be granted to parties*** - A copy of the decision or order of the Court, in English or Urdu, shall be granted to any person concerned or interested therein, who shall apply for the same, upon payment of the proper court fees and copying charges.
- 99. ***Of re-hearing in certain events*** - If any party against whom an order or decision is made or given upon an appeal heard in his absence shall, within thirty days from the date of such order or decision, satisfy the Court that he had received no notice of the time and place fixed for the hearing thereof, or had not received such notice in sufficient time to permit him to appear, and that he did not wilfully evade service, thereof the Court may pass an order if it think such order requisite for the end of justice (and not otherwise), upon such terms as appear just setting aside its previous decision or order, and grant a rehearing, which shall be subject to the same rules as the hearing of an appeal.

Notification No 3400/Rev dated 23rd Feb. 1938

- 100. ***Power of revision by Financial Commissioner and Chief Engineer*** - (This rule has been cancelled)

Notification No 3400/Rev dated 23rd Feb. 1938

- 101. ***Power of revision by State Government*** (This rule has been cancelled)
- 102. ***finality of orders and decisions of Appellate Court*** - Except as provided in the three last preceding rules or as may be other-wise expressly provided in the rules for the time being in force, the order or decision passed upon any appeal shall be final.
- 103. ***Scope of rules*** - Nothing contained in the forgoing rules applies to the hearing of an appeal from any decision or order in a criminal case under the Act.
- 104. ***Procedure upon reference under section 27*** - Upon a reference to the Commissioner under section 27 of the Act, the procedure shall, so far as may be, the same as is prescribed in rule 2 upon a reference under section 20 of the Act.

105. Except as provided in rule 2 and in the last preceding rule, no person shall be entitled to be heard in person or by representative before the Superintending Canal Officer, Commissioner, or other higher authority to whom, under the provisions of the Act, or the foregoing rules any, matter is submitted or referred for sanction, approval or decision. Nothing in this rule shall preclude the persons concerned from submitting, for the consideration of any such officer or authority, petitions relating to any matter so submitted or referred.

PART XII

INSPECTION OF RECORDS OF WARABANDI CASES

Irrigation Branch Notification No 5786 R/69/20 dated 29 January 1946

Section 68

106. Papers relating to proceedings before a Divisional Officer, his orders on the case and the statements of warabandi sanctioned by him under section 68 shall be open to inspection by the persons interested therein or their counsels as the case may be.
107. Inspection of the general file containing record of executive proceedings including reports by the Officer under the Divisional Canal Officer is not permitted.
108. The inspection of the pending as well as of the decided cases is subject to the control of the Divisional Canal Officer.
109. The application for inspection of these records shall be made in writing to the Divisional Canal Officer, and shall distinctly specify the records inspection of which is desired.
110. The application for inspection of records shall bear Rs. 1/- Court fee stamp, in addition to the amount of inspection fee specified hereinafter.
111. The inspection fee shall be Rs. 1/- for each hour or part of an hour for ordinary and Rs. 2/- for each hour or part of an hour for urgent inspection on the date of the hearing.
112. The fee shall be paid in Court fee stamp or stamps, affixed to the original application before the file is handed over to the applicant. The stamp or stamps affixed to the application, shall be punched and cancelled immediately on receipt of the application.
113. If more time than is covered by the fee is taken in the inspection, the balance shall be paid at the close of the inspection by affixing the additional stamp of stamps to the application.
114. A separate application shall be made and a separate fee paid for each record, the inspection of which is desired unless the records are so closely connected that, in the opinion of the Divisional Canal Officer, they may be regarded as one in which case one application and one fee shall suffice.

115. The inspection of records shall be made at such time, in such a place and in the presence of such officials as the Divisional Canal Officer may direct.
116. No mark shall be made on any record or paper inspected. The Copying of any document or portion of the records in pen and ink is strictly prohibited but pencil notes from the record may be made by the counsel.
117. A separate register shall be maintained in the Divisional Office for all application received for inspection of the warabandi files and the fees paid for their inspection.

Notification:- No G.S.R. 268/ C.A. 8/ 1873/ Ss. 32,68 & 75/64.-The 4th December, 1964

Amendments

In the said rules

- (1) in rules 16, for the word 'Lambardar' the words 'Lambardar or the Sarpanch of the Gram Sabha concerned' shall be substituted;
- (2) in rule 20, in clause (i) of Part I, between words 'affected area' and to the Collector' the words or 'the Sarpanch of the Gram Sabha concerned' shall be inserted;
- (3) in rule 106 for the words 'Divisional officer' the words 'Deputy Collector or the Divisional Canal Officer, as the case may be', shall be substituted.
- (4) in rule 107 for the words 'Divisional Canal Officer' the words 'Deputy Collector' shall be substituted'
- (5) in rules 108, 109, 114 and 115 for the words 'Divisional Canal officer' the words "Deputy Collector or the Divisional Canal Officer as the case may be" shall be substituted' and
- (6) in rule 117 for the words 'Divisional Officer' the words "Deputy collector or the Divisional Canal Officer' shall be substituted.

Appendices

Notes	APPENDICES
See. Rule 5	<p style="text-align: center;">APPENDIX I</p> <p>Applications for Water course from Canal Village Parganah</p> <p style="text-align: right;">District for Crop of 19</p> <ol style="list-style-type: none"> 1. Name of applicant 2. Name of supply channel 3. Proposed site of new outlet. 4. Approximate area of land to be irrigated 5. Number of pipes required. 6. Irrigation by over-flow or lift. 7. Approximate length of water course. 8. Name of owners of lands to be traversed by water course. 9. Land irrigible from any existing outlet or not. 10. Number and names of intending shareholders (if any) in the outlet applied for. 11. Number of outlets now in supply channel . [Right bank] [Left bank] 12. Width of bank, including slope and pathway. 13. Number of outlets now allotted to village. 14. Culturable area. [Whole village] [Applicants lands] 15. Area already provided with irrigation.[In village] [In applicant's holding.] <p>N.B. Columns 11-15 to be filled in Canal Office.</p>

APPENDIX II		
Notes	LICENSE FOR FERRY BOAT	CANAL
See Rule 39	Position of ferry.	
	Dimensions of boat or raft.	
	Name of person to whom license is granted.	
	Period for which license is granted.	
	Tolls leviable at ferry.	
	Conditions	
* The word should obviously be "licensee"	This license may be revoked without any compensation thereby becoming claimable by the licenser* if tolls be levied in excess of those specified above, or if the boat be not maintained in proper working condition, or if delays or obstructions to travellers occur, or for other fault, which, in the judgement of the Divisional Canal Officer, demands it. Appeal against the orders of the Divisional Canal Officer shall lie to the Superintending Canal Officer.	
	(Sd.) A.B.,	
	Station and date	
	Executive Engineer,	
	Divisional Canal.	

Notes	Appendices
Notification No. 144 - R I dated 28th April 1903 (236)	<p data-bbox="612 208 1310 275" style="text-align: center;">Appendix II (a) LICENSE FOR PASSENGER BOAT CANAL</p> <p data-bbox="499 369 831 398">Number of boat</p> <p data-bbox="499 418 890 448">Dimensions of boat</p> <p data-bbox="499 468 1414 497">Name of licensee with father's name and place of abode.....</p> <p data-bbox="499 517 1142 546">Period for which license is granted.....</p> <p data-bbox="587 566 1342 595" style="text-align: center;">CONDITIONS UNDER WHICH LICENSE IS GRANTED.</p> <ol data-bbox="499 616 1414 1529" style="list-style-type: none"> 1. Length not to exceed 2. Beam not to exceed 3. Draught loaded with full number of passengers and luggage not to exceed 4. Number of passengers not to exceed 5. Number of crew not to be less than..... 6. Lights to be carried 7. The number of the boat is to be painted in large figures not less than eight inches in height on both bows of the boat, distinguishable at a distance of 100 yards. 8. This license, or a copy thereof, is to be exhibited in a conspicuous position on board of the boat. 9. This boat may be stopped and inspected and the number of passengers on board counted at any time by any officer duly authorized for that purpose. If the conditions above laid down are not fully complied with, such officer may refuse permission for the boat to proceed. 10. If the above conditions are not fully complied with this license may be revoked by the Divisional Canal Officer, without any compensation becoming claimable by the licensee. Appeal against the order of the Divisional Canal Officer shall lie to the Superintending Canal Officer, whose order shall be final. <p data-bbox="499 1550 1414 1617">This boat was inspected by on and was declared to be in a safe condition and fit for passenger traffic on that date.</p> <p data-bbox="1023 1637 1251 1666" style="text-align: right;">Executive Engineer</p> <p data-bbox="499 1686 1251 1715">Station Division</p> <p data-bbox="499 1736 1230 1765">Dated Canal</p>

See Rule 42	APPENDIX III			
	TRAFFIC DEPARTMENT		CANAL	
	No.		19	
	PASS TICKET			
	Boat No.			
	Date of entry.			
	Owner's name.			
	Occupation			
	Residence or place of business.			
	Name of person in charge.			
	Measurement of boat.			
	Estimated carrying capacity		maunds	
	Tolls paid from		19	to 19
	Amount Rs.		Annas	pies
	By whom issued		Navigation	Station
Date of leaving Canal				
I hereby certify that all demands against boat No. for tools , right of way, damage to canal works, & c., & c., up to date have been satisfied.				

Navigation Agent.

Notes	APPENDICES		
	APPENDIX IV		
See Rule 45	TRAFFIC DEPARTMENT,		CANAL
	No.	19	
	Received from		
	Rupees		
	Annas	Pies	
	Being amount of toll on boat No		
	From		
	To		
	Rs.	Navigation Department	Canal
		in charge of	Station

APPENDIX V

Notification No. 2193 -01 dated 10 May 1892 (87). This appendix has been cancelled.

APPENDIX VI	
Sec Rule 49	<div>TRAFFIC DEPARTMENT, CANAL</div> <div>No. 19</div> <div>RAFTING PASS</div> <div>From To</div> <div>Distance miles</div> <div>Description of rafts</div> <div>Dimensions</div> <div>Cubic contents</div> <div>Rates of tolls, Rs.</div> <div>Amount paid, Rs.</div> <div>Estimated value of rafts, Rs.</div> <div>Name of owner</div> <div>Residence</div> <div>Name of person in charge</div> <div>Date of entering canal.</div> <div>Rs. (Signature)</div> <div>RECEIVED AT Canal</div> <div>Station</div> <div>off 19 Navigation Agent.</div>

Appendix VII

Notification No. 1077 - I dated 1897 (157). This appendix has been cancelled.

**PUBLIC WORKS DEPARTMENT
IRRIGATION BRANCH
NOTIFICATION
27-4-1966**

No 3984 - IW(i) 66

In exercise of powers conferred by section 75 of northern India Canal and Drainage Act, 1873, (viii of 1873) and all other powers enabling him in this behalf, the Governor of Punjab is pleased to notify that the schedule of occupier's rates as applicable to the Western Jamuna Canal shall apply to Gurgaon Canal with effect from Kharif, 1966

sd - S.S. Grewal
Secretary to Government, Punjab
Irrigation and Power Departments.

SCHEDULE OF OCCUPIERS RATES

STATEMENT SHOWING OCCUPIER'S RATES IN FORCE ON THE CANALS IN THE PUNJAB (India)

Authority	Class	Nature of Crops	Rate per acre			Per
			Rs.	A.	P.	
		Western Junna Canal (Including Sirsa and Sunder Branches), Sirhind Canal and Bhakra Canals (Including Ghaggar, Sasusati and Bist Doab Canals, Sidhwan Branch)				
	I	Sugarcane (except on Kharif Channels)	16	8	0	Crop
	II	Sugarcane on kharif channels	13	8	0	- do -
Irrigation Br :	III	Waternuts	11	4	0	- do -
	III A	Rice	9	12	0	
	IV	Indigo and other dyes, tobacco, Poppy spices and drugs.	8	4	0	
Notification	IV A	Cotton	6	12	0	- do -
No.36842/Rev./1397/48 dated 10-11-1949.	V	Gardens and orchards and vegetables except turnips	8	4	0	Gardens and orchards per half year, the rest per crop.
No. 4432/Rev./139-7/48 dated 10-13-1953	VI	Deleted				
No.36828/Rev./1397/48 dated 10-11-1949	VI-A	Barley and oats (except on kharif channels)	6	6	0	crop
No. 4417-Rev./1397/-48 dated 13-11-1953	VI B	Wheat (except on kharif channels)	5	13	6	
No.591/Rev./3-64./1951 dated 28th July 1951	VII	Melons, Fibers (other than cottons) and all crops not otherwise specified	7	8	0	
No 4422/Rev./1397/48 dated 13-11-1953	VII A	Maize	6	6	0	
No 24417/Rev 1397/48 dated 13-11-1953	VIII	Oilseeds (except rabi oilseeds on kharif channels)	6	6	0	- do -
No 2151/Rev dated 12-11-51 No. 1848/Rev./1275/52 dated 14-5-56	IX	All Rabi crops (except wheat and gramas on kharif channels) including gardens, orchards, vegetables and fodders.	3	0	0	Gardens and orchards per half year, the rest per crop.

Authority	Class	Nature of Crops	Rate per acre			Per
No. 1848/ Rev./1275/52 dated 14-5-56	IX A	Wheat and gram on kharif channels	2	12	0	1 6 0 crop
No.24417/Rev 397/ 48 dated 13-11-53	X	Bajra, masure and pulses.	4	14	0	2 7 0 crop
	X-A	Gram	4	7	6	2 3 9 - do -
	XI	Jawar, cheena, grass which has received two or more waterings and all fodder crop including turnips.	3	12	0	1 14 0 grass per half year the rest per crop
	XII	(a) Watering for ploughing not followed by a crop in the same or succeeding harvest.	1	8	0	0 12 0 acre
		(b) Village and District Board Plantations				
		(i) Any number of waterings in kharif.	1	8	0	0 12 0 Half year
		(ii) One watering in rabi.	1	8	0	0 12 0 - do -
		(iii) Two or more waterings in rabi	3	0	0	1 8 0 - do -
		(c) Grass A single waterings in Kharif or rabi.	1	8	0	0 12 0

Note - Grass given two or more waterings falls under Class XI.

Hemp Indigo, Guara, Jantar and Arhar Ploughed in as green manure before 15 September are not assessed to water rates.

WESTERN YAMUNA CANAL EXTENSIONS

WESTERN TAMUNA CANAL EXTENSIONS										
Authority	Class	Nature of crops	Rate per acre						Per	
			Flow			Lift				
			Rs.	As.	Ps.	Rs.	As.	Ps.		
Irrigation Branch Notification No.36834/Rev/139- 7/48. dated 10-11- 1949 No 4427/Rev./1397/48 dated 13-11-53		Schedule of occupiers' rates applicable to the Sunder Beri Bhalant and Pai Rohana Extensions.								
	I	Cotton	5	4	0	2	10	0	Crop	
	II	Bajra and pulses	4	8	0	2	4	0	-do-	
	III	Jawar Chari, Guara and other recognised kharif fodder crops.	3	0	0	1	8	0	-do-	
	IV	Other kharif crops	3	6	0	1	11	0	-do-	
	V	All rabi crops (except wheat and gram)	3	0	0	1	8	0	-do-	
	VA	Wheat and Gram	2	12	0	1	6	0	-do-	
	VI	(a) Watering for ploughing not followed by a crop in the same or succeeding harvest.	1	8	0	0	12	0	Acre	
		(b) villages and District Board plantations								
		(i) any number of waterings in kharif	1	8	0	0	12	0	Half year	
	(ii) one watering in rabi	1	8	0	0	12	0	-do-		
	(iii) two or more waterings in rabi	3	0	0	1	8	0	-do-		
	(c) Grass a single watering in kharif or rabi.	1	8	0	0	12	0	-do-		

Note- Grass given two or more waterings falls under class IV or V as the case may be Hemp, Indigo, guara jantar and Arhar ploughed in as green manure before 15th September, are not assessed to water rate.

List of Fodder crops will be found on page N.B. rates for rabi crop under classes other than IX relate to prennial channels.

LOWER CHAUTANG NALA CANAL:

Authority	Class	Nature of crops	Rate per acre						Per
			Flow			Lift			
			Rs.	As.	Ps.	Rs.	As.	Ps.	
Irrigation Branch	II	Sugarcane, rice and water nuts	6	3	0	4	2	0	Crop
	IV	Cotton indigo and Maize	3	12	0	2	8	0	-do-
NotifiCation	V	Other Kharif crop	2	10	0	1	12	0	-do-
No.36839/Rev/ 1397/48 dated 10 Nov1949	VII	Special rates : Single watering before ploughing for Rabis except wheat and gram followed by a crop.	1	11	0	1	2	0	-do-
No 4440- Rev/1317/48 dated 13.11.53	VII-- A	Special rates single watering before ploughing for wheat and gram followed by a crop.	1	8	9	1	0	6	-do-
I.B. Notificati on No. 40475/Rev./ 237/47/dated 20.12.49	Add- ition- al	Extra watering after 31st Oct.	1	2	0	0	9	0	Acre
	Cha- rges		{ 0 9 0			{ 0 4 6			Acre

I N MP ½Q 44613/Rev/181/50 dt. 30.9.50

Note - An additional charge specified in the table below will be levied with effect from Rabi 1950/51 on W.J.C. Extensions and lower Chautang Nala Canal if any extra watering is allowed after 31st October:-

EASTERN CANAL

Authority	Class	Nature of crops	Rate per acre						Per
			Flow			Lift			
			Rs.	As.	Ps.	Rs.	As.	Ps.	
Irrigation Branch Notification No 36849 Rev/1397/48 dated 10.11.49	I	Sugarcane	13	8	0	6	12	0	Crop
	II	Waternuts	11	4	0	5	10	0	-do-
	II-A	Rice	9	12	0	4	14	0	-do-
	III	Indigo and other dyes, spices and drugs, (excluding rabi crops.)	9	6	0	4	11	0	-do-
	III A	Cotton	7	14	0	3	15	0	-do-
I.B.No. Notification No. 404/75/Rev/237/47 dt. 20.12.49	IV	Gardens, orchards and vegetables (excluding rabi crops)	8	4	0	4	2	0	Gardens and orchards per half year, the rest per crop.
	V	Melons fibres other (than cotton) and all crops not otherwise specified.	7	8	0	3	12	0	Crop
	V-A	Maize	6	6	0	3	3	0	-do-
	VI	Kharif oilseeds	6	6	0	3	3	0	-do-
	VII	All rabi crops except wheat and gram (including gardens, orchards and iegetables but excluding wadh water area)	3	0	0	1	8	0	Gardens and orchards per half year, the rest per crop.
NO.4436/R/1397/- 48 dt 13-11-1953	VII-- A	Wheat ad gram except other rabi crops.	2	12	0	1	6	0	Crop
	VII	Bajra and pulses	3	12	0	1	14	0	-do-
	IX	All fodder crops in kharif and in rabi.	3	0	0	1	8	0	-do-
	IXA	Deleted							
	X	(a) Watering for ploughing not followed by crop in the same or succeding harvest.	1	8	0	0	12	0	Acre
		(b) Village and District Board plantations.	1	8	0	0	12	0	Half year
		(c) Grass a single watering.	1	8	0	0	12	0	-do-

Note : Grass given two or more waterings falls under IX

Hemp, indigo, guara, jantar and Arhar ploughed in as green manure before 15th Septemeber are not assessed to water rates.

Irrigation Branch Notification No. 3656 Rev/ Dt. 26 Feb. 1938 11308-Revdt. 1st May 39 and 11312 Rev dt. 21 Feb. 1949	Schedule of occupiers' rates applicable to water supplied for irrigation purposes through Govt. channels when derived from pumping from Sub -soil Water Table			
	Supply during the kharif season.	0	5	3
	Supply during the rabi season.	0	3	6
	Schedule of rates for supply of water for purposes other than Irrigation			per 1000 cubic feet
Irrigation Branch	Western Jumna Canal and its extensions, Upper Bari Doab Canal, Sirhind Canal, Eastern Canal, Sarusti Canal and Sarusti Drain (Perennial)			- do -
	Notification No. Rev. 36828 dated 13 97/48 10-11-49	0	4	6
	Brick making and pise wall building			per 100 cubis feet
	Laying concrete and brick or stone masonry	0	3	0
36834 1397/48 dated 10-11-49				do
36839 1397/48 dated 10-11-49	Metalling Roads	15	0	0
				Per mile
36842 1397/48 dated 10-11-49	Consolidation of kacha service roads	45	0	0
				per mile per annum for a maximum of 8 waterings in the 10 months Dec- Sept.
36846 1397/48 dated 10-11-49	Water supplied in bulk	1	8	0
				per 2500 cubic ft
36849 1397/48 dated 10.11.49	*Manufacture of char coal.	2	4	0
				per kiln per season crop provided kiln is in use.
36853 1397/48 dated 10.11.49	Water road side or revenue trees.	3	12	0
				Per canal mile of 5000 ft per kharif crop.
		7	8	0
				per canal mile of 5000 ft per rabi crop.
36856 1397/48 dated 10.11.49	Sprinkling water on roads in the kharif season.	7	8	0
				per mile
	Sprinkling water on roads in the rabi reason.	15	0	0
				per mile

Proviso : Except within the limits of civil station Cantonments and Municipalities no charge shall be made for water used for the manufacture of bricks not subsequently burnt in a kiln or for pise wall building, if taken from a water course or tank lawfully supplied from a canal.

No charge additioanl to Rs. 45 for flooding per mile should be levied for sprinkling water on kacha service roads.

No charge will in practice be levied for sprinkling water on roads where the amount of water used is negligible.

For Sirhind Canal only

Water supplied in bulk to Municipalities (including Notified Area and Small Town Committees and other public bodies, for use by public in general for drinking and washing purposes (but not for commercial purposes) is to be charged at the rate of 6000 cubic feet. per Rs. 1-8-0.

No charge shall be made for water used for watering avenue or roadside trees grown by villagers alongside water courses, fields and village roads, and within the village abadi.

UPPER BARI DOAB CANAL

Authority	Class	Nature of crops	Rate per acre						Per
			Flow			Lift			
			Rs.	As.	Ps.	Rs.	As.	Ps.	
Irrigation	I	Sugarcane (except on kharif channels)	16	10	0	8	5	0	Crop
Branch	II	Sugarcane on kharif channels	13	9	9	6	12	10%	do
Notification No. 36846/Rev/1397/48, dt 10.11.49	III	Water nuts	11	5	6	5	10	9	do
	IIIA	Rice	9	13	3	4	14	7%	do
	IV	Indigo and other dyes, tabocco, poppy, spices, and drugs.	8	5	1%	4	2	6	do
	IV A	Cotton	6	12	10%	3	6	5...	Crop
	V	Gardens and orchards and vegetables except turnips.	8	5	1%	4	2	6	Gardens and orchards per half year, the rest per crop.
	VI	Wheat (except on kharif channels.)	5	14	$\frac{3}{8}$	2	15	$1\frac{1}{16}$	Crop
	VI - A	Barley and oats (except on kharif channels)	6	6	10%	3	3	5...	-do-
	VII	Melons, fibers (other than cotton and all crops not otherwise specified.	6	12	9	3	6	4%	-do-
	VII A	Maize	5	10	9	2	13	4%	-do-
	VIII	Oilseeds (except Rabi oilseeds on kharif channels)	6	6	10%	3	3	5%	-do-
No. 4449- Rev/ 1397/48 dt. 13.11.53	IX	All rabi crops except wheat and gram on kharif channels (including gradens orchards, vegetables and fodder)*	3	0	6	1	8	3	Gardens and orchards per half year, the rest per crop
	IX A	Wheat and gram on kharif channels	2	12	5%	1	6	2	Crop
	X	Bajra, masure and pulses	4	14	7%	2	7	3	-do-
	X A	Gram	4	8	$\frac{7}{8}$	2	4	$\frac{7}{16}$	-do-
	XI	Jowar, cheena, grass which has received two or more waterings and all fodder crops including turnips.	3	12	6	1	14	3	Grass per half year the rest per crop
	XI A	Paddock areas as sanctioned by the State Government.	8	4	0	4	2	0	per half year on the whole area irrespective of whether it be irrigated in part or whole or not at all
	XII	(a) Watering, for ploughing not followed by a crop in the same or succeeding harvest.	1	8	3	0	12	1%	Acre
		(b) Village and District Board plantations	1	8	3	0	12	1%	Half year
		(i) Any numbers of watering in kharif	1	8	3	0	12	1%	-do-
		(ii) One watering in rabi	1	8	3	0	12	1%	-do-
No. 4419/R/ 1397/48 dt13.11.53		(iii) Two or more watering in rabi	3	0	6	1	8	3	-do-
		(c) Grass a single watering in kharif or rabi	1	8	3	0	12	1%	-do-
		Note: 1 Grass given two or more watering falls under Class IX.							
		Note: 2 An additional charge specified in the table below will be levied S.C.C. & U.B.D.C. with effect from Rabi 1950-51, if any extra water is allowed after 31st October.							
B. No. 44613- R/181/50 dated 3.9.50									

RATE PER ACRE;

Flow	Lift	
Rs as ps	Rs. as. ps	
1 - 2 - 0	0 - 9 - 0	Except fodder crops including turnips
0 - 9 - 0	0 - 4 - 6	For fodder crop including turnips only

Hemp, Indigo, guara Janter and Arhar ploughed in as green manure before 15 Sep. are not assessed to water rates.

*List of Fodder crops will be found on Page

Note :- I:- Canal rates specified above in respect of Upper Bari Doab Canal are equivalent to :

	Pies per marla		Pies per marla		Pies per marla		Pies per marla
Class I	$16\frac{1}{2}$	Class III-A	$9\frac{3}{4}$	Class VI A	$6\frac{3}{8}$	Class IX	3
Class II	$13\frac{1}{2}$	Class IV & V	$8\frac{1}{4}$	Class VII	$6\frac{3}{4}$	Class X	$4\frac{7}{8}$
Class III	$11\frac{1}{4}$	Class IV-A	$7\frac{1}{4}$	Class VIIA	$4\frac{7}{8}$	Class XI	$3\frac{3}{4}$
		Class VI	$7\frac{1}{13}$	Class VIII	$6\frac{3}{8}$	Class XII (iii)	3
						Class XII (a) (c) (i) (ii) (d)	$1\frac{1}{2}$

and accord with the Ghumaon measure in use in the area irrigated by the U.B.D. Canal.

Note No. 2 :- Rates for rabi crops under classes other than IX relates to Perennial channels.

SHAH NAHAR CANAL

Authority	Class	Nature of crops	Rate per acre						Per
			Flow			Lift			
			Rs.	As.	Ps.	Rs.	As.	Ps.	
I.B.No. 2442 R/108749 dt. 20.3.51	I	Deleted							
IB No. 3763 Rev/1087/49 dt. 23.9.53	II	Sugarcane	13	11	7	6	13	9%	Crop
	III	Water Nuts	11	8	5%	5	12	2	do
	III A	Rice	9	14	1	4	15	%	do
	IV	Indigo and other dyes, tobacco, poppy, spices, and drugs	8	3	8%	4	1	10%	do
	IV A	Cotton	6	9	4%	3	4	8...	do
	V	Gardens and orchards and vegetables except turnips (excluding of Rabi crops)	8	3	8%	4	1	10...	Gardens and orchards per half year, the rest per crop
	VI	Deleted							
	VII	Melons, fibers (other than cotton) and all crops not otherwise specified.	6	9	4%	3	4	8...	Crop
	VIIA		5	0	10	2	8	5	Crop
	VIII	Oil seeds (except Rabi oilseeds on Kharif channels;	6	9	4%	3	4	8...	do
I.B. No. 4446- Rev/1397/48 dt. 13.11.53	IX	All Rabi crops except wheat and gram on Kharif channels (including gardens, orchards vegetables & fodder)	3	4	8	1	10	4	Gardens and orchards per half year, the rest per crop
	IX A	Wheat & gram on kharif channels .	3	0	3 1/3	1	8	1 2/5	Crop
	X	Bajra and pulses	4	15	0	2	7	6	Crop
	XI	Jowar, cheena, grass which has received two or more waterings and all fodder crops including turnips	3	4	8	1	10	4	Grass per half year, the rest per crop
	XI A	Deleted.	-			-			
	XII	(a) Watering for ploughing not followed by a crop in the same or succeeding harvest.	1	10	4	0	13	2	Acre
		(b) Village and District Board plantations							
		(i) Any number of watering in Kharif	1	10	4	0	13	2	Half year
		(ii) One watering in Rabi	1	10	4	0	13	2	do
		(iii) Two or more watering in Rabi	3	4	8	1	10	4	do
	(c) Grass a single watering in Kharif or Rabi	1	10	4	0	13	2	do	

I.B No. 44613R/181/50 dated 30.9.50

Notes (1) Grass given two or more watering fallls under class IX

Hemp, Indigo, Guara, Jantar and Arthar ploughed in as green manure before 15 Sep. are not assessed to water rates.

- (2) An additional charge specified in the table below will be levied with effect from Rabi 1950-51 if any extra waterings is allowed after the 31 Oct. on Kharif channels.

Rate Per Acre					
Flow			Lift		
Rs.	As.	Ps.	Rs.	As.	Ps.
1	1	7	0	8	9½
For all Rabi crops except for fodder crops including turnips.					
0	1	5	0	2	2½
For Rabi fodder crops including trunins only.					

Purpose for which Supplies.	Rate			
	Rs.	As.	Ps.	
Brick making and pise wall building	0	4	6	per hundred cubic feet.
Laying concrete and brick or stone masonry	0	3	0	-do-
Metalling roads	15	0	0	per mile
Consolidation of Kacha service road.	45	0	0	per mile per annum for maximum of 8 waterings in the 10 months Dec., Sept.
Water supplied in bulk	1	8	0	per 2500 cubic feet.
Watering road side or avenue tree.	3	12	0	per canal mile of 5000 ft. for kharif crop.
	7	8	0	per canal mile of 5000 ft. for rabi crop.
Sprinkling water on roads in the kharif season.	7	8	0	per mile
Sprinkling water on roads in the rabi season	15	0	0	per mile

Proviso : Except within the limits of civil Station, cantonment and Municipalities, no charge shall be made for water used for the manufacture of bricks not subsequently burnt in a kiln or for pise wall building, if taken from water course or tank lawfully supplied from a canal.

No charge additional to Rs. 45 for flooding per mile should be levied for sprinkling water on Kuchha service road.

No charge will in practice be levied for sprinkling water on roads where the amount of water used is negligible.

Water supplied in bulk to Municipalities (including Notified Area and Small Town Committees) and other public bodies, for use by the public in general for drinking and washing purposes (but not for commercial purposes) is to be charged at the rate of 6,000 cubic feet per 1-8-0 rupees.

No charge shall be made for water used for watering avenue or road side trees grown by villagers alongside water courses, fields and village roads, and within the village abadi.

3. RATES RECOVERABLE FROM ALL OWNERS OF WATER MILLS

Vide I. B. Notification No. 2130/R/1067-49 dated the 7th Nov. 51

Category A- Rs. 100/- per stone per annum. It includes all gharats near Mukerian and head reach of shah Nahar Canal.

Category B - Rs. 80/- per stone per annum. It includes gharats on the river creek, other gharats on

Shah Nahar Canal, gharats on Nallah Khichian and Shankarwala Distributary.

Category C - Rs. 60/- per stone per annum. Gharats on tail reach of Shah Nahar Canal on choe Manjewal and Poore Chak,

GREY CANALS

Authority	Class	Nature of crops	Rate per acre						Per
			Flow			Lift			
			Rs.	As.	Ps.	Rs.	As.	Ps.	
Irrigation Branch Notification No 585/Rev/400/1950 dt. 28.7.51	I	Rice	7	4	2	3	10	1	crop
	II	Sugarcane, waternuts, Cotton, Neel and other colours, tobacco, popy, chillies etc. garden vegetable in Kharif carrot etc.	5	7	1	2	11	6%	Garden per half year the rest per crop
	III	Maize melon, San, Bajra, Grains, Dals, Wheat barley, oats, Als, Toria, Sarson Tara-mira, etc. and other articles not mentioned elsewhere.	3	10	1	1	13	%	crop
	IV	Matter, Lobis, Jawar, China, Fodder crops etc., and other crops Kharif and Rabi Ploughing village & District Board plantation in	3	0	5	1	8	2%	do
	V	Kharif, Grass in Rabi and Kharif, uncultivated Rauni transferred from Kharif and Rabi before 15th oct.	1	3	4	0	9	8	Half year
	VI	Rabi crops cultivated in place of Kharif (Wadh Wattar.)	1	3	4	0	9	8	Crop
	VII	Lands irrigated after 15th of Oct. in Rabi crops.	0	9	8	0	4	10	Half year

LIST OF FODDER CROPS

Irrigation Branch Notification

Nos : 204 R.I. Dated 24.1.30

Nos : 037-R.I Dated 19.5.30

Nos : 362-S Rev Dated 19.5.36

Nos: 14296 Rev Dated 18.12.37

Nos. 3174 Rev Dated 22.4.40

1. Jawar (Great sillet) 2. Kangni (Italian Millet) 3. Lucen or half alfa. 4. Grass. 5. Chari 6. Moth. 7. Guara. 8. Sawank. 9. Rawan 10. Madal 11. Turnips. 12. Sengi. 13. Menia. 14. Shaftal. 15. Methra 16. Sarson or Tara Mira when sown with any sanctioned fodder crops & cut green for fodder 17. Fields containing and mixture of wheat or Kasni which does not appreciably enhance the value of the fodder crops. 18. Oats grown in declared paddock areas. 19. Maize grown for fodder sown in March and April. 20. Charal a kind of pea. 21. Berseam. 22. Makchhari

**3. EXTRACT OF SECTIONS OF THE PUNJAB
MINOR CANALS ACT, 1905**

EXTRACT OF SECTIONS OF THE PUNJAB MINOR CANALS ACT, 1905

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1. NORTHERN INDIA CANAL AND DRAINAGE ACT

Act No. VIII of 1873

An Act to regulate Irrigation, Navigation and Drainage in Northern India. (Received the Assent of His Excellency the Governor General on the 11th February, 1873)

As amended or repealed by the following legislations :

1. Repealed in part vide Act, XII of 1874.
2. Repealed in part (in Punjab) vide Act XVI of 1887.
3. Repealed in part vide Act XVI of 1874,
4. Repealed in part (in Punjab) vide Act XVI of 1914, Schedule I, Part I.
5. Amended vide Act XII of 1891.
6. Amended vide Act XVI of 1899.
7. Amended Reg. IV of 1898.
8. Amended vide Act XXXVIII of 1920.
9. Amended in part Government of India (Adaptation of Indian Laws) orders 1937
10. Amended in Part by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.
11. Amended in part by the adaptation of Laws Order, 1950
12. Amended in part by Punjab Act XIX of 1953.
13. Affected by Punjab Act XXI of 1954.

Copy of extract of section No. 2 of the Punjab Minor Canals Act, 1905

2. (1) The provisions of this Act shall apply to the extent and in the manner hereinafter provided to every canal specified in either Schedule I or Schedule II as the case may be.
- (2) At any time after the commencement of this Act, the (state) Government may, from time to time, by notification, -
 - (a) Include any canal under either Schedule I or Schedule II as the case may be, or transfer a canal from one schedule to the other schedule, and there upon the provisions of this Act applicable to canals included under such schedule, or such of the said provisions as the (State) Government may direct, shall apply to such canal; or
 - (b) exclude from the operation of this Act any canal which now is, or hereafter may be, included under either Schedule I or Schedule II;

Provided that no canal shall be included under schedule I, unless.

- (a) it is owned in whole or in part by (the state Government), or
 - (b) is, at the commencement of this Act, managed by servants of the Government or by any local authority, or
 - (c) is situated partly within and partly without the territories to which this Act extends, or
 - (d) has been included under schedule II and is transferred to schedule I (by direction of the (state) Government)
- (3) The Northern India Canal and Drainage Act, VIII of 1873, shall not apply to any canal which is for the time being included under either Schedule I or Schedule II.

4. Copy of extract of Section No. 4 of the Punjab Minor Canals Act, 1905

Prohibition against construction of canals without permission

When the (State) Government has notified in this behalf any natural channel, lake or other collection of water, no person shall, without permission previously obtained in the manner prescribed in the section next following, construct a canal intended to be fed from any such channel, lake or other collection of water :

Provided that nothing in this section shall apply to the construction of a water-course from an existing canal.

6. Copy of extract of Section No. 6 of the Punjab Minor Canals Act, 1905

Power of Collector to construct canal from notified source of supply

- (1) When a source of supply has been notified by the (State) Government under section 4 and the Collector considers that the construction of a canal to be fed therefrom will be advantageous, he shall give notice by general proclamation to all persons interested of his intention to construct such canals.
- (2) If no objection to the construction of such canal shall have been preferred within a period to be specified in the notice under sub-section (1) or if any such objection has been preferred within the said period, but has been finally over-ruled, the Collector may proceed to construct such canal.
- (3) The provisions of sections 50 and 63 shall apply to all proceedings of the collector under sub-section (1) of this section and under the preceding section, and the power conferred upon the Collector by this and the preceding section shall be exercised subject to such sanction as the (state) Government may prescribe and in accordance with the rules made by such Government.

Copy of extract of Section No. 7 of the Punjab Minor Canals Act, 1905

7. Power to prohibit the unauthorized construction of and to close unauthorized canal

- (1) If any person, without the permission necessary under section 4 and 5 of this Act, or contrary to any of the conditions of such permission, commences to construct or proceeds with the construction of any canal, the Collector may, at any time, by order in writing, prohibit such person, and, by general proclamation, all other persons, from continuing the construction thereof :

Provided that, unless in the case of a construction which would materially extend the area irrigable by a canal, no such order or proclamation, as the case may be, shall be made or issued in respect of any canal which, at the time when it is proposed to make or issue such order or proclamation, has been used for irrigation for a period of three years without interruption, other than such as was due to natural causes beyond the period aforesaid.

- (2) If any person shall, at any time after the commencement of this Act, construct a canal without the permission necessary under sections 4 and 5 of this Act, the Collector may, with the previous sanction of the (state) Government, close it and shut off the supply of water thereto, and may further, by order in writing, prohibit such person, and, by general proclamation all other persons, from maintaining, repairing or renewing such canal or continuing to use the water thereof.

Copy of extract of Section No. 10 of the Punjab Minor Canals Act, 1905

10. General Powers of Collector

- (1) Notwithstanding the existence of any rights in or over a canal or water- course, the Collector may. -
- (a) exercise all powers of control, management and direction for the efficient maintenance and working of such canal or for the due distribution of the water thereof; and
 - (b) Whenever and so long as any water-course, sluice or outlet is not maintained in proper customary repair, or any water- course, sluice or outlet through which water is supplied to any person, or, in the case of a sluice or outlet, to any water- course or any person, is subjected to wilful damage or wrongful enlargement, stop the supply of water to such water- course, sluice or outlet or to any person.
- (2) No claim shall be enforceable against the (state) Government for compensation in respect of loss caused by any order passed under sub-section (1), but any person suffering loss by reason of any order passed under sub-section (1) (a) may claim such

remission or the ordinary charges payable for the use of the water as is authorized by the (state) Government :

Provided that if any right to water entered in a record of rights prepared or revised under section 28(1) or deemed under section 28 (3) to have been made under this Act or admitted in any agreement between the (state) Government and any person is substantially diminished in consequence of action taken under sub-section (1) (a) the Collector shall award compensation under section 55 to such person in respect of the diminution of his right.

XV of 1877

- (3) No right to the use of the water of a canal shall be, or be deemed to have been, acquired under the "Indian Limitation Act, 1877", nor shall the (State) Government be bound to supply any person with water.

11. Copy of extract of Section No. 11-12 of the Punjab Minor Canals Act, 1905

Power of Government to suspend or extinguish rights in or over any scheduled canal on payment of compensation

- (1) The (state) Government may at any time suspend or extinguish any right to which any person is entitled in or over any canal if the exercise of such right is prejudicial to the interests of other irrigators or to the good management, improvement or extension of the canal.
- (2) In every such case the (state) Government shall cause to be paid to the person whose right is suspended or extinguished, compensation to be assessed by the collector under section 55. In assessing compensation for the purposes of this section, the Collector shall also have regard to the character of the right, the period during which it has been enjoyed and the damage likely to be occasioned by its suspension or extinction.

12. Power to enter and survey, etc.

The Collector or other person acting under the general or special orders of the collector may enter upon any lands adjacent to any canal, or through which any canal is proposed to be made, and undertake surveys or levels thereon;

and dig and bore into the sub-soil;

and make and set up suitable land-marks, level marks and water gauges;

and do all other acts necessary for the proper prosecution of any inquiry relating to any existing or projected canal under the charge of the said collector;

and, where otherwise such inquiry cannot be completed, the collector or such other person may cut down and clear away any part of any standing crop, fence or jungle;

and may also enter upon any land, building or water-course 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 lands irrigated thereby or chargeable with a water rate, and of doing all things necessary for the proper regulation and management of such canal.

Copy of extract of Section No. 12, 13, & 26, of the Punjab Minor Canals Act, 1905

Notice or intended entry into houses

Provided that, if such Collector or person proposes to enter into any building or enclosed court or garden attached to a dwelling house not supplied with water flowing from any canal, he shall previously give the occupier of such building, court or garden at least seven days notice in writing of his intention to do so.

Compensation for damage caused by entry

In every case of entry under this section, the Collector shall, upon application made to him in this behalf, assess and pay compensation for any damage which may be occasioned by any proceeding under this section

13. Power to enter for repairs and prevent accidents

In case of any accident happening or being apprehended to a canal, the Collector or any person acting under his general or special orders in this behalf may enter upon any lands adjacent to such canal and may execute all works which may be necessary for the purpose of repairing or preventing such accident.

26. Power of State Government to direct supply of labour by irrigators

The State Government may, by notification, direct that a beneficiary shall be bound to furnish unskilled labour free of cost to Government for any one or more of the following purposes in respect of any canal :-

- (a) Construction ;
- (b) maintenance in a state of efficiency;
- (c) annual silt clearance;
- (d) executing any work necessary thereto

Copy of extract of Section No. 27, 34 of the Punjab Minor Canals Act, 1905

27. Powers of Collector upon issue of notification under section 26

Upon the issue of a notification under section 26 the Collector may, from time to time, by general or special order,-

- (a) Determine the amount of labour to be provided or the amount of work to be performed by each (beneficiary);

- (b) regulate the attendance, distribution and control of the labourers provided or the manner of the performance of the work;
- (c) assess and recover the cost of such labour from any person who fails to comply with an order passed under this section; and .
- (d) fund all costs so recovered and expend them on the provision of hired labour for any of the canals to which the notification applies, or * * * *, on any other purpose connected with the well- being thereof :

Provided that the costs assessed as aforesaid shall not exceed eight annas for each day's labour of each of the labourers in respect of whom default has occurred.

34. Power of the Collector, in certain cases, to declare or appoint a manager of canal

Where there are numerous share-holders in the ownership of a canal, or where it is difficult to ascertain the persons who are share holders, or the extent of the interest of the share-holders, or any of them, the Collector may, if there is no proper manager or representative, require by a proclamation or notice in writing, the share-holders to nominate, within a given period, a fit person as manager of the canal and their representative, and, upon their failure to do so, may himself appoint any person to be the manager of such canal and the representative of the share-holders, and the person so appointed may thereupon do all acts and things which the share holders or any of them might lawfully do in regard to the management of such canal, and all acts and things so done by him shall be binding upon every person who possesses any share in the ownership of such canal.

Copy of extract of Section No. 35, 38 of the Punjab Minor Canals Act, 1905

35. Power of State Government to apply the provisions of section 28 to any canal

The (State) Government may, by notification, declare all or any of the provisions of section 28 (as to the preparation and revision of records) to be applicable to any canal, and, upon any such declaration being made such provision shall, as far as may be apply accordingly.

36. Power to assume control or management, or both of a canal

- (1) It shall be lawful for the (state) Government, by notification, to assume the control or management, or both, of any canal -
 - (a) If the owner of such canal consents there to, and subject to the condition (if any) on which such consent may in any case be given;
 - (b) If, after inquiry, the (state) Government is satisfied that the control or management exercised by or on behalf of the owner is such as causes grave injury to the property or health of persons owning lands in the vicinity;

(c) in the event of any wilful and continuous breach of orders issued under section 39 of this Act.

- (2) When the control or management, or both, of any canal is assumed under the provisions of sub-section (1), the (state) Government may exercise all or any of the rights and powers in regard there to which, but for such assumption, the owner might lawfully have exercised, and may delegate such powers or any of them to any person, but Government shall, in the absence of any decree or agreement to the contrary, be liable to account, from time to time, to such owner for the income and expenditure thereof and may at any time restore canal to the owner.

38. Power to acquire canal on demand of the owner

On receipt of notice under section 37 the (state) Government shall by notification declare that the said canal will be acquired after a day to be named in the said notification, not being earlier than three months from the date thereof, and after the issue of such notification the collector shall proceed as in sections 46 and 47 provided.

Copy of extract of Section No. 39, 45 of the Punjab Minor Canals Act, 1905

39. Power to fix the limits of irrigation and water rates and to regulate the distribution of water

The (state) Government may, after inquiry through the Collector, in respect of any canal issue orders as to all or any of the following things, namely —

- (a) fixing the limits within which land may be irrigated from such canal;
- (b) fixing, as it may deem equitable, the amount and character of the water-rates leviable by the owner, and the conditions on which such rates are to be paid, suspended, remitted or refunded;
- (c) regulating the supply and distribution of the water to and from such canal:

Provided that if any land which has been continuously irrigated from the canal for three years previously, is deprived of irrigation, or the income of the canal-owner from such canal is materially reduced by reason of any order passed under this section, the owners of such land or the canal owner shall be paid by Government or by such persons as government may determine such compensation as the collector may consider reasonable:

Provided further that if the canal owner has in the opinion of the (state) Government exercised his powers as such in an arbitrary or inequitable manner, he shall not be entitled to compensation under this section.

45. Power to acquire canal by consent or otherwise

Whenever it appears to the (state) Government expedient in the public interest to acquire any

canal, the (state) Government may by notification declare that the said canal will be acquired after a day to be named in the said notification not being earlier than six month from the date thereof.

Copy of extract of Section No. 49, 50 of the Punjab Minor Canals Act, 1905

49. Power to regulate flow of water in rivers, creeks, natural channels or lines of natural drainage and to prohibit therein or order removal therefrom of obstructions

The (state) Government may, by notification published in the official Gazette, take power to regulate the flow of water in any river, creek, natural channel or line of natural drainage whether by the construction of removal of works or other wise, and whenever it appears to such Government, after inquiry through the Collector that the supply of water to a canal or the cultivation of any land or the public health or public convenience is likely to be injuriously affected by the obstruction of any river, creek, natural channel or line of natural drainage it may, by notification published as aforesaid, prohibit within the limits to be defined by such notification the formation of such obstruction, or may within such limits order the removal or other modification of such obstruction.

50. Power to remove obstruction after publication of notification, and payment of compensation

- (1) The Collector may, after such publication, issue an order to the person causing or having control over any such obstruction to remove or modify the same within a time to be fixed in the order.
- (2) The Collector may himself remove or modify the obstruction
 - (a) if the person to whom the order under sub-section (1) was issued fails to comply with that order within the time so fixed; and
 - (b) in any case where the obstruction is not caused or controlled by any person.
- (3) The Collector shall determine from whom the cost of removing or modifying the obstruction shall be recovered, and the amount of compensation due to any person injuriously affected by the removal or modification of the obstruction and the person by whom such compensation shall be payable.

Provided that no compensation shall be awarded for an advantage obtained by an arbitrary or inequitable course of action.

Copy of extract of section no. 51, 52 of the Punjab Minor Canals Act, 1905

51. Power of the Collector to regulate flow of water and prohibit or remove obstructions

When the (State) Government has by notification as provided in section 49, taken power to regulate the flow of water in any river, creek or natural channel or line of natural drainage it may

authorize the Collector to exercise such power on its behalf in accordance with such rules as it may prescribe. A Collector so authorised may, in the execution of such rules exercise all the powers conferred upon him by section 50, and his authority shall include the power to take such action as the (state) Government is empowered by section 49 to take after inquiry through the Collector. Such authority may on every occasion be exercised without the publication of any further notification in the (official Gazette.)

52. Power as to the construction and maintenance of works in respect of canals under schedule II

- (1) The Collector may, at any time, order the (beneficiary) of any canal under schedule II to
 - (a) repair and maintain, in a proper state, all or any embankments, protective works, reservoirs, channels, water courses, sluices, outlets and other works connected with the canal;
 - (b) Construct, repair and maintain, in a proper state, a suitable bridge, culvert, or similar work at any place across, under or over the canal, for the purpose of providing communication with any public road or thoroughfare which was in use before the canal was made :
 - (c) Construct, repair and maintain, in a proper state, suitable works for the passage of the water of the canal across, under, or over any public road or thoroughfare or any canal or drainage channel which was in use before the canal was made:
 - (d) construct, repair and maintain, in a proper state a suitable regulator at or near the head of the canal where, for want of such regulator, an excessive supply of water may enter the canal or cause damage to or any crops, lands, roads or property in the neighbourhood.
- (2) The Collector may at any time order a beneficiary to furnish unskilled labour free of cost for any one or more of the purposes specified in section 26 of this Act.
- (3) Every order under sub-sections (1) and (2) shall be in writing, and shall specify a reasonable time within which the works of repairs mentioned therein shall be completely executed.
- (4) If any order made under this section is not obeyed, to the satisfaction of the collector, within the time therein specified, the Collector may himself execute or complete the execution of, or cause to be so executed or completed, all works or repairs specified in the order.

Copy of extract of Section No 53, 54 of the Punjab Minor Canals Act, 1905

53. Powers as to construction and maintenance of works in respect of canals under schedule I

In the case of canals included under schedule I the collector may –

- (a) call upon the (beneficiaries) to discharge any of the liabilities specified in section 52, sub section (1) which the (state) Government may have declared to attach to the (beneficiaries) from such canal or group of canals or
- (b) himself arrange for the performance of such acts and recover the cost as provided in section 57.

54. Power to take possession and to construct works in cases of emergency

- (1) If any new work is immediately required to prevent serious detriment to the utility of a canal the collector may, notwithstanding anything in the Land Acquisition Act. 1894, take immediate possession of any land required for the construction of the work.
- (2) when the Collector has taken possession of any land under sub-section (1), he shall, upon application made to him in this behalf, assess and pay compensation under section 55.
- (3) In the event of sudden and serious damage or urgent risk to a canal or to property situated in the immediate neighbourhood thereof, or to irrigation carried on therefrom, or to the public traffic, the collector may, after giving previous notice, execute or cause to be executed such work as he may think necessary in order to remedy or prevent such damage or risk, and may require any irrigator to furnish such labour as to the said Collector may seem reasonable and necessary for the immediate execution of such works.
- (4) Labour furnished under this section shall be paid for at the local market rate.
- (5) An order passed under sub-sections (3) and (4) shall be final.

Copy of extract of section no 61, 68 of the Punjab Minor Canals Act, 1905

61. Power to appoint officers to exercise functions under this Act

- (1) The (state) Government may appoint any person or any class of officials to perform any functions or to exercise any powers, by this Act or the rules made thereunder conferred on or vested in the Collector, Commissioner, Financial Commissioner of such Government.
- (2) Such appointments may be made in respect of any canal or of all or any of the canals situated within any specified local area.

- (3) In all matters connected with this Act, the (state) Government shall have and exercise over the Financial Commissioner, the Commissioner and the Collector, and the Financial Commissioner shall have and exercise over the commissioner and the Collector, and the Commissioner shall have and exercises over the Collector, the same authority and control as it or they respectively have and exercise over them in the general and revenue administration .

68. Power to recover water dues, water rates and other charges by revenue process

All water dues, water rates and other payments at any time due by or to be collected from any person under any provision of this Act, or under an agreement entered into by the owners of the canal or the person irrigating from it and all arrears of such water - dues, water rates or other payments shall be recoverable as if the same were arrears of land revenue.

Copy of extact of section no 70-74 of the Punjab Minor Canals Act, 1905

70. Power exercisable in case of urgency with regard to canals situated beyond Punjab

In respect of any canal situated beyond the limits of Punjab, the (State) Government may, by notification published in the official gazette, declare that the powers exercisable by a Collector under section 54 may, under the circumstances there specified, be exercised by the Collector or other authorized officer within the limits of Punjab for all or any of the purposes of such canal.

71. Offences under the Act

- (5) Corrupts or fouls the water of any canal so as to render it less fit for the purposes for which it is ordinarily used;

72. Power to arrest without a warrant

Any person in charge of or employed upon any canal managed by (servants of the Government) or by a district Board may remove from the lands or buildings belonging thereto, or may take into custody without a warrant, and take forthwith before a Magistrate, or to the nearest Police Station, to be dealt with according to law any person who, within his view, commits any of the following offences: –

- (1) wilfully damages or obstructs any canal;
- (2) without proper authority interferes with the supply of or flow water in or from any canal or in any river or stream, so as to endanger, damage or render less useful any canals,

74. Power to make rules

- (1) The (state) Government may make rules, consistent with this Act, regulating any matter in regard to which any power is, by this Act, conferred upon the (State) Government,

or upon any officer of the (Government) and general to carry out the purposes of this Act,

- (2) Without prejudice to the generality of the power conferred by subsection (1), rules made under this Act may provide for the levy of a rate imposed upon land in consideration of its protection from sand or flood.
- (3) All rules made under sub-section (1) shall be so made after previous publication in the Gazette.

**4. RULES FOR EXTRA SUPPLY OF CANAL WATER
FOR GARDENS & ORCHARDS, 1946**

**RULES FOR EXTRA SUPPLY OF CANAL WATER
For Gardens & Orchards, 1946**

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RULES FOR EXTRA SUPPLY OF CANAL WATER

For Gardens & Orchards

(This supersedes all previous orders)

1946

As corrected up to 1.6.57

GOVERNMENT OF THE PUNJAB

PUBLIC WORKS DEPARTMENT IRRIGATION BRANCH

Rules for Extra supply of Canal Water for Gardens and Orchards

(Originally introduced by Irrigation Branch No. 24379-92 145/20 dated 23rd December 1943)

*** No. 4247-61/R/ 145/20 dated 4th Feb. 1944**

1. Limits

Supplies allowed to garden areas are limited on the basis of outlet capacity.

The limits authorized are :

- | | | | |
|-----|--|----|---------------------------|
| (a) | On a canal | 1% | of total outlet capacity. |
| (b) | On a Branch of more than 1,000 cuses | 2% | ditto ditto |
| (c) | On a Branch of less than 1,000 cuses
or a Distributary *Including its minors. | 4% | ditto ditto |
| (d) | On a Minor | 8% | ditto ditto |

No. 1043-57/R/145 20 dated 21 st May 1945

It is, however permissible to allow water for gardens up to 2 cusecs outlet capacity on any channel however small, provided water is available without exceeding the limits laid down in (a) and (b) above.

2. Distribution of supplies between big and small gardens

The supply permissible is to be divided equally among the big and small owners, a big owner being one who has 18 acres or more of garden. To ensure this being done half the supplies available on any Distributary for growing fruit orchards will be reserved for each of the two categories and what is reserved for one category may not be allowed for orchards of the other without the sanction of the Government, which will not be granted unless the circumstances are exceptional.

3. Discharges permissible

The discharge permissible for areas under gardens shall be calculated on the following scale:-

Name of Canal	Discharge per % acres at outlet	Name of canal	Discharge per % Acres at outlet
	Cusecs		Cusecs
Perennial channels			
Upper Bari Doab	9.0	Sirhind	10.0
		Western Jumna	12.0
Khari Channels			
Upper Bari Doab	10.	Eastern	16.0
Sirhind	14.0	Western Jumna Extensions.	12.0
		All Innudation Canals	16.0

**ADDENDUM AND CORRIGENDUM TO THE RULES FOR EXTRA SUPPLY
OF CANAL WATER FOR GARDENS AND ORCHARDS, 1959**

No. 2 Dated the 14th July 1960

Add the following in Rule 3 of the rules for extra supply of Canal Water for gardens and orchards, 1959 :

- (a) Under perennial channels after Western Jumna add "Bhakra Canals" and 10 cusecs in the appropriate columns.
- (b) Under Kharif channels after all Inundation Canals, add "Bhakra Canals" and 10 cusecs" in the appropriate columns.

B.R. Palta

Chief Engineer (Central)

Irrigation Branch, Punjab.

10260 IB - 2,000-5-11-60 - C.P. and S, Pb, Chandigarh

No 12753-72/R/145/20, dated 6th April 1944

4. Jhallari consession

The gardens and orchards receiving supply in accordance with the scale laid down in para 3, even when irrigated by means of jhallars, are not to be given the Jhallari concession of 50 percent of extra supply.

5. Raising existing supply as per sanctioned scale

The supplies to fruit orchards sanctioned or revised under 1940 orders and any other garden supplies previously sanctioned on scale less than is now permissible as per para 3 above, should be raised to the scale now sanctioned.

6. Reducing Existing supply as per sanctioned scale

Where existing gardens or orchards are receiving supplies more than now sanctioned it is for consideration whether they should be reduced. A list of all such cases should be sent by the Superintending Engineers to the Chief Engineer, Irrigation Works, Punjab for obtaining the advice of the Director of Agriculture, Punjab, as to this. If Director of Agriculture recommends a reduction, the supply will be reduced accordingly in each individual case after given one year's notice.

7. Excesses in the limits on account of existing supplies

Where the existing supplies including those to be raised as per para 5 above, are in excess of the limits laid down in para 1 (c) and (d) above they should be allowed to stand, but the excess over the limits will not count against the limits laid down in para 1 (a) and (b) above.

8. Statement showing discharges allowable

A statement showing the discharges allowable under these rules on the various branches, distributaries and minors for the existing sanctioned gardens shall be prepared and submitted by superintending Engineers, to Chief Engineer, Irrigation Works Punjab.

9. Procedure regarding new applications - A & C No. 3/145/20 dated 4.9.55

Superintending Engineer will work out every year the discharge that can be made available on every distributary for planting of gardens in accordance with rule 1 supra. He will then invite applications for extra supply for big and small gardens separately to reach him by end of September by advertising in papers through the Public Relations Officer and also by sending notices to be posted at District and Tehsil headquarters as also through the Panchayats of all villages concerned. These applications will then be passed on to the Fruit Specialist who will examine the suitability of the areas for which garden supply is demanded by the applicants. After the Fruit Specialist has examined the various cases himself or through the joint report of Canal Deputy Collector and the District Agricultural Officer, he will send his recommendations to the Superintending Engineer concerned. The Superintending Engineer will then fix up a date not later than end of December to decide as to which applications should be accepted. In case the total demand for extra supply for gardens is less than the discharge available on the distributary, all the applications recommended by the Fruit specialist will be accepted. In case the demand as per recommendations of the Fruit specialist is more than the supply available, decision will be taken by a system of lots to be drawn by the Superintending Engineer in the aforesaid meeting in the presence of the Fruit Specialist and of the applicants who may choose to be present.

After this the Superintending Engineer will straight away proceed to sanction supplies in various outlets concerned and make sure that the adjustments of outlets are completed in all cases during the following month of April.

No 824-31/ Rev/145/20 dated. 09.2.56 & A & C No. 5 dated 25.4.56

“The applications for extra supply for gardens already existing will be sorted out and a lottery will be drawn among such of these applicants whose gardens have been verified by the Food Specialist as genuine. If any supply is left over as available after the demand for existing gardens has been met, a second lottery for applications for supply for newly proposed gardens will be drawn.”

10. Agreement for garden supplies

An agreement will have to be entered into between the Government and the owner receiving extra supply for an orchard as per existing form (Stereo I.B. No. 463). The essential condition is that abiana shall be charged at the scheduled rate for fruit orchards on the whole area in each crop season for which extra supply is sanctioned, irrespective of whether the whole of the area is actually irrigated or not. Also, abiana shall be paid in the non fruit bearing stage.

11. Supplies for gardens planted in stages

No 2662-75/R/145/20 dated 22 January 1944

In the case of large orchards it may not be possible or desirable for the owners to plant up the whole area at once. In such cases the supply to be given in any year should be restricted to sufficient for the area which is actually or is proposed to be planted in that year. Superintending Engineers must use their discretion as to the supply allowed for areas, proposed to be planted having regard to the financial status of the owner and the area actually prepared for planting. No restriction should be placed on such supplies as are required for the proper development

of the orchard and supplies may if necessary be supplemented during the year.

12. A & C No. 4 dated . 4.9.55

Extra discharge made available to a sanctioned garden will be withdrawn under the following circumstances :

- (a) If the planter fails to plant and maintain his garden according to the specifications laid down by the Fruit Specialist within one year to the extent for which the discharge has been actually available for the year, a six months notice for withdrawal of extra supply will be issued and supply withdrawn before the second year is over, provided a fresh joint report by Deputy Collector and the District Agricultural Officer after expiry of the notice period is not satisfactory.
- (b) If a planter is levied penalty for infringing rules for garden supply in two successive crops the extra garden supply will be reduced to such part of the area only on which the penalty has not been levied.

The Fruit Specialist will have every recognised garden inspected once a year either by himself or jointly by the District Agricultural Officer and the Canal Deputy Collector. He will, however, see that he visits every garden once in 3 years. Notice for withdrawal of supplies from defaulters will be based on the report of these inspections, as to the condition of the garden.

13. Separate outlets

Where possible, a separate outlet shall be given for planting an orchard the minimum discharge for the purpose being half a cusecs.

14. Alteration to outlets

According to normal Irrigation Branch practice an outlet would not be altered until the next remodelling, unless the additional garden supply sanctioned brings the total outlet capacity up to more than ten per cent in excess of the old capacity; but the authorized outlet capacity should be altered at once to include any garden supply sanctioned for the chak, however small and the garden owner will be entitled to have his "wari" altered to include the supply for his garden area.

15. Gardens receiving extra supplies, but not on sanctioned list

There are said to be a large number of orchards which have actually been receiving extra supply for a number of years but are not on the sanctioned list and whenever warabandi is sanctioned under section 68, extra supply is not allotted to them. All such cases should be referred to the Director of Agriculture for his recommendations, whenever the question of extra supply arises.

16. Maintenance of garden register

A register shall be maintained in the Circle Office showing the supply sanctioned on each Distributary, Branch and the Canal separately for the big and small owners and a close watch kept that the limits laid down by Government are not exceeded in any case. The form in which the register is to be kept is enclosed herewith for guidance.

A & C No. 1 dated 3.1.47 and A & C.No. 2 dt. 16.6.47

17. Inspection of gardens by zilladars

All gardens and orchards receiving extra canal water supply should be inspected by the zilladars once during the year who should certify annually on 30th November to the effect that all the conditions on which extra supply has been sanctioned for all garden or orchard areas in their sections are being fulfilled. Exceptions, if any, should be given. On receipt of certificates from the zilladars the Deputy Collector will check and consolidate the reports before submission to Executive Engineer on the 15th December. The Executive Engineer after any examination that he may wish to be carried out will forward the same to the Superintending Engineer on 15th January, who will submit the final report for the circle with his recommendations, to the Chief Engineer on 1st. February.

Distributary Minor Division Canal

No. 11874-88-R145/20, dated 10th March 1945

Punjab Government

Water allowance per thousand acres outlet capacity

(1)

(1) Perennial

Channels

Cusees

(2) Kharif

(2)

1	2	3	Gardens and orchards Already receiving extra supply of water		Orchard s for which extra supply is sanction ed now	Total water allowan ce at outlet head sanction ed to date		Name of the owner, with parantage and residence, of the orchard for which extra supply is sanctioned now –vide column 6	Authority for sanction	Reference to case	Balance water allowance at outlet head still available for gardens and orchards.		Remarks
			Big gardens & orchards 18 acres or more	Small gardens and orchards							Big gradens 18 acres or more column 3- column 7(a)	Small orchards column 3- column 7(b)	
4 (a)	4 (b)	5 (a)	5 (b)	6 (a)	6 (b)	7 (a)	7 (b)	8	9	10	11 (a)	11 (b)	12
Area	Water allowance outlet Capacity	Area	Water allowance outlet capacity	Area	Water allowance outlet capacity	Big gardens or orchards 18 acres or more	Small gardens or orchards Columns 5 (b) and 6 (b)						

**THE PUNJAB BETTERMENT CHARGES &
ACREAGE ACT, 1952**

THE PUNJAB BETTERMENT CHARGES AND ACREAGE RATE ACT - 1952

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PUNJAB GOVERNMENT GAZETTE EXTRA ORDINARY

PUBLISHED BY AUTHORITY

Simla - E Wednesday, January 21, 1953

Legislative Department Notification

The 21st January 1953.

No. 2 - Leg/53 The following Act of the state Legislature received the assent of the Governor of Punjab on the 5th January 1953, and is hereby published for general information -

PUNJAB ACT NO. II OF 1953

The Punjab Betterment Charges and Acreage Rates Act, 1952 An Act

To provide for the levy of be betterment charges and acreage rates on certain lands in the state of Punjab. It is hereby enacted as follows :

1. Short Title, Extent And Commencement

- (1) This Act may be called the Punjab Betterment charges and Acreage Rates Act, 1952.
- (2) It shall extend to the territories which, immediately before the 1st Novemebr, 1956, were comprises in the states of Punjab and Patiala and East Punjab states Union.
- (3) It shall come into force at once.

2. Definition

In this Act, unless the context otherwise requires :-

- (a) "Acreage Rates" means the charges levied under section 6 on lands included in an irrigation scheme;
- (b) "Betterment charges" means the charges levied under section 4 on lands included in an irrigation scheme;
- (c) "Canal" includes :-
 - (i) all parts of a river, stream, lake or a natural collection of water or natural drainage channel to which the provisions of part II of the Northern India Canal and Drainage Act, 1873 (VIII of 1873) apply;
 - (ii) all canals, channels, reservoirs, wells, tubewells and lift irrigation arrangements constructed, maintained or controlled by the Government for the supply or storage of water;

- (iii) all works, embankments, structures, supply and escape channels connected with such canals, channels, reservoirs wells, tubewells or lift irrigation arrangements
- (iv) all watercourses, that is to say, all channels which are supplied with water from a canal but which are not maintained at the cost of the Government, and all subsidiary works belonging to any such channels;
- (d) "Cost of an irrigation scheme" means the total financial liability accruing from and loan contracted or the investment made, the interest thereon, the cost of maintenance and operation of the scheme or of any extension thereof or of an extension as a result thereof, with reference to the period during which the said liability has to be discharged;
- (e) "Government" means the Government of the state of Punjab;
- (f) "Irrigation scheme" means any such scheme as is referred to in section 3;
- (g) "landowner" has the meaning assigned to it in the Punjab Land Revenue Act, 1887 (XVII) of 1887) and includes Govt.;
- (h) "prescribed" means prescribed by the rules made under this Act;
- (i) the expressions "land", "tenant" and "Occupancy tenant" have the meaning respectively assigned to them in the Punjab Tenancy Act, 1887 (XVI of 1887);
- (j) the expressions "Canal Officer" and "Divisional Canal Officer" have the meanings respectively assigned to them in the Northern India canal and Drainage Act, 1873 (VIII of 1873);
- (jj) "Matured area" means such area of land, included in the irrigation scheme, which is subject to payment of occupier rate under section 36 of the Northern India canal and Drainage Act, 1873 (Act No. VIII of 1873) during any harvest.

3. Irrigation Schemes & Notification Of Proposal To Levy Betterment Charges

Where any scheme has come or comes into operation after 15th day of August, 1947 for any one or more of the following purposes namely;

- (i) the irrigation of lands from any existing or projected canal;
- (ii) the extension of irrigation of land situated within the approved irrigation boundary of an existing canal;
- (iii) the improvement of irrigation supply or capacity factors or water allowances to lands already irrigated;
- (iv) the provision for or the improvement of drainage or any reservoir, dam or embankment constructed, maintained, or controlled by the Government for the supply or storage of water,

the government may proceed to levy betterment charges in respect of the lands which are included or are likely to be included in the irrigation scheme by notifying in the official Gazette, a copy of which shall be posted at a conspicuous place in the village affected and in such other manner as may be prescribed its intention to do so, and shall specify in such notification such particulars respecting the proposed levy as it may think necessary, including particulars respecting the type and extent of irrigation proposed :

Provided that no betterment charges shall be levied in relation to an irrigation scheme where the charges ordinarily leviable under other law for the time being in force are sufficient to cover the cost of the scheme;

Provided further that the amount of the betterment charges recoverable from any scheme will be limited to the difference between the investment on the scheme and such part of it as may make it productive.

Explanation. I. "Capacity factor" means the ratio of the mean supply to the authorised full supply discharge of a channel and "mean supply" for a period connotes the sum of the daily supply in cusec divided by the number of days during that period.

Explanation. II. "Water allowance" means the designed number of cusecs of outlet or distributary capacity per thousand acres of land included in an irrigation scheme.

Explanation III. "Cusec" is the unit of discharge and means the rate of flow of one cubic foot of water per second.

4. Procedure for Levy of Betterment Charges

- (1) At any time after the expiry of one month from the date of the publication of the notification referred to in section 3, the Government may cause a schedule of betterment charges to be prepared for all lands or class of lands included in an irrigation scheme showing rates at which the charges shall be leviable on the lands and payable by the landowners and occupancy tenants thereof and the proportions in which the charges shall be so payable.
- (2) In preparing a schedule under sub section (1) for the levy of betterment charges in respect of any irrigation scheme regard shall be had to the following, namely:
 - (a) the type of irrigation,
 - (b) the improvement in irrigation,
 - (c) the extent of betterment accruing to the lands.
- (3) A draft of the schedule prepared under sub section (1) shall be published in the official Gazette, a copy of which shall be posted at some conspicuous place in the area affected and in such other manner as may be prescribed.

- (4) Any landowner or occupancy tenant who may be affected by the proposed betterment charges may, within sixty days from the date of the publication of the schedule in the official Gazette or from the date of its publication in the village, whichever is later, present a petition in writing to the Government stating his objections, if any, to the levy of the betterment charges or the rate thereof.
- (5) After considering the objections and after making such further inquiry into the matter as the Government may think fit, the Government shall determine the final schedule of betterment charges and cause the same to be published in the official Gazette, and in such other manner as may be prescribed.

5 . Amount of Betterment Charges

- (1) The amount of the betterment charges leviable in respect of any lands included in an irrigation scheme shall not exceed one-half of the difference between the value of the lands with reference to such date prior to the commencement of any work in connection with the irrigation scheme as the Government may, by notification in the official Gazette, fix in this behalf and their estimated value with reference to such other date after such commencement as the Government may similarly fix, and such valuation shall be made in the prescribed manner.
- (2) Where in an irrigation scheme only lift irrigation arrangements are maintained and operated by the landowners or occupancy tenants, the betterment charges leviable shall not exceed one-half of the charges which would otherwise have been payable for gravity flow irrigation;

Provided that whenever such lift irrigation arrangements are converted into gravity flow irrigation, the landowners or occupancy tenants, as the case may be, shall be liable to pay the full betterment charges in respect of the lands.

5 (A) Powers to Levy Advance Payment of Betterment Charges, Realisation thereof, etc

- (1) Not with standing any thing to the contrary contained in this Act and subject to the provisions of sub-section (2) every person liable to pay betterment charges under this Act, shall with effect from Kharif harvest of the agricultural years 1958-59, be liable to pay to the Government advance payment of betterment charges in respect of his matured area at each harvest at such rate not exceeding twenty five rupees per acre of such area as the Government may by notification direct.

Provided that the Government may fix different rates for different matured areas.

- (2) The liability to make advance payment of betterment charges shall cease from the date on which the schedule of betterment charges has been published in the official Gazette : under sub-section (5) of section 4.

- (3) The amount of betterment charges which any person is liable to pay under this Act shall be realised from him after deducting therefrom the amount of advance payment of betterment charges paid by him.
- (4) If the amount of advance payment of betterment charges is found to be excess of the amount of betterment charges, the excess shall be refunded by the Government to the person from whom it was realised.
- (5) The amount of advance payment of betterment charges shall be realised, and deduction or refund thereof as referred to in sub section (3) and (4) shall be made, in such manner as may be prescribed.

6. Levy of Acreage Rates

- (1) Where in respect of any lands included in an irrigation scheme expenditure has been, or is likely to be, incurred by the government in the execution of any one or more of the following works in undertaking any one or more of the following, measures, namely :
 - (a) rectangulation, subrectangulation or Killabandi (that is to say, sub division of land into one acre fields)
 - (b) level, topographical or soil surveys,
 - (c) construction of watercourses,
 - (d) construction of village roads and works appertaining thereto, the Government may, for the purpose of recouping or meeting such expenditure, cause a schedule of acreage rates to be prepared showing the rates at which they shall be leviable on the lands, and the manner in which and the persons by whom they shall be payable.
- (2) A draft of the schedule prepared under subsection (1) shall be published in the official Gazette, a copy of which shall be posted at some conspicuous place in the area affected and in such other manner as may be prescribed.
- (3) Any landowner or occupancy tenant who may be affected by the proposed acreage rates may, within sixty days from the date of the publication of the schedule in the official Gazette present a petition in writing to the Government stating his objection, if any, to the levy of the acreage rates or the incidence thereof.
- (4) After considering the objections and after making such further inquiry into the matter as the Government may think fit, the Government shall determine the final schedule of acreage rates and cause the same to be published in the official Gazette and in such other manner as may be prescribed.

7. Finality of Schedule of Betterment Charges & Acreage Rates

The betterment charges and the acreage rates leviable under the final schedules as published under subsection (5) of section 4 and subsection (4) of section 6 shall be final no court shall call in question the schedules so published or the levy or rates of such charges or the determination by the Government of the increase in value of lands for the purpose of levying betterment charges.

8. Demand of Betterment Charges and Acreage Rates

- (1) When the schedule of betterment charges or acreage rates has been published in the official Gazette under subsection (5) of section 4 or subsection (4) of section 6, the canal officer shall prepare a demand statement in respect thereof in such form as may be prescribed containing full particulars of the amount which each landowner or occupancy tenant shall be liable to pay and cause a notice of demand to be served on him.
- (2) Any landowner or occupancy tenant may within such period as may be prescribed from the date of the notice of demand, present a petition to the Divisional Canal Officer or the Deputy Collector objecting to the demand or any part thereof, and the petition shall be disposed of in such manner and orders passed thereon shall be subject to such appeals as may be prescribed.
- (3) Any amount due under a notice of demand shall, subject to any order that may be passed on appeal under section (2), be payable within such time as may be prescribed.

9. Mode of Recovery of Betterment Charges and Acreage Rates

- (1) The betterment charges and the acreage rates may be paid in one or more instalments as may be prescribed.

Provided that where the betterment charges or acreage rates are paid in instalments, interest shall be payable in respect of such instalments at such rates as may be prescribed, and such interest shall be recovered in the same manner as the betterment charges or the acreage rates.

- (2) Notwithstanding any thing contained in this section, the Government may, subject to such conditions as may be prescribed, allow a landowner to relinquish any part of his land in favour of the Government in satisfaction of the betterment charges payable in respect thereof.

- 9(A) (1) Notwithstanding any thing to the contrary contained in this Act, pending the publication of final schedule under section 4, any landowner may, if he chooses make an advance payment in lump sum of betterment charges leviable under the Act, at such rate as the Government may by notification direct, and where a land owner exercises his choice

to do so, he shall not be liable to pay advance payment of betterment charges, under section 5 A, and if he has already paid any amount under section 5A, the advance payment payable under this section shall be reduced to that extent.

- (2) The provisions of sub-sections (3) (4) and (5) of section 5-A shall, as far as may be, apply to the payment made under sub-section (1)

10. Postponement of Recovery of Betterment Charges and Acreage Rates in Certain Cases

Where there has been a failure of crops in any area, the Government may, notwithstanding anything to the contrary contained in this Act or the rules made thereunder, postpone for such period as it thinks fit the recovery of any such charges or rates, whether wholly or in part.

11. Apportionment of Betterment Charges and Acreage Rates

The betterment charges and acreage rates shall be recoverable from the landowner and occupancy tenant concerned in such proportions as may be prescribed. Provided that in making any such apportionment between the landowner and the occupancy tenant of the same land due regard shall be had to the prevailing practice in respect of the division of produce or capital values between such person in respect of that land.

Provided further that where there are more landowners than one they shall be jointly and severally liable for the portion recoverable from the landowner, and similarly where there are more occupancy tenants than one they shall be jointly and severally liable for the portion recoverable from the occupancy tenants.

12. Betterment Charges and Acreage Rates to be Charge on the Land

Any sums lawfully due under this Act by way of betterment charges/advance payment of betterment charges or acreage rates shall take priority over all other charges payable in respect of the land except land revenue and shall be deemed to that extent to be a charge on the land and shall be recoverable as an arrear of land revenue.

13. Betterment Charges and Acreage Rates Not to Affect Any Other Charges Leviable

The betterment charges/ advance payment of betterment charges and acreage rates payable under this Act, in respect of any land shall not affect any other rates or charges leviable under any other law for the time being in force.

14. Bar to Jurisdiction of Civil Courts

No civil court shall have jurisdiction in respect of any matter relating to anything done or to be done under this act.

15. Indemnity from Proceedings

No claim shall lie against the Government for compensation of for the refund of betterment charges or acreage rates on account of loss occasioned by the failure or stoppage of water in a canal or by any cause beyond the control of the Government or by any repairs, alterations or additions made to the canal by the Divisional Canal officer or by any measures taken by him for regulating the proper flow of water therein or for maintaining the established course of irrigation in cases where the Divisional canal Officer considers such action to be necessary.

16. Indemnity

No suit, prosecution or other legal proceeding shall lie against any person in respect of anything done or intended to be done in good faith under this Act or the rules made there under.

17. Powers of Canal and Revenue Officers to Summon Persons

- (1) The Divisional Canal Officer, Canal Collector, Deputy Collector or a Revenue officer of the rank of the Deputy Commissioner or Assistant collector may summon any person whose attendance he considers necessary for the purpose of any business before him under this Act.
- (2) Any person so summoned shall be bound to appear at the time and place mentioned in the summons, in person or, if the summons so allows, by his recognised agent or a legal practitioner.
- (3) The person attending in obedience to the summons shall be bound to state the truth upon any matter respecting which he is examined or makes statements, and to produce such documents and other things relating to such matter as the summoning officer may require.

18. Penalty for Failure to Attend Within Limits of the Estate in Obedience to Order of Canal and Revenue Officers

If a person required by a summons, notice, order or proclamation proceeding from a summoning officer to attend at a certain time and place within the limits of the estate in which he ordinarily resides, or in which he holds or cultivates land, fails to comply with the requisition, he shall be liable, at the discretion of the summoning officer, to a fine which may extend to fifty rupees, which, if not paid in cash shall be recoverable as arrears of land revenue.

19. Power to Make Rules

- (1) The Government may by notification in the official gazette, make rules to carry out the purposes of this Act.

- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :-
- (a) the manner in which notices under this Act, or the schedules of betterment charges and acreage rates shall be published;
 - (b) the manner in which valuation may be made of any lands for the purpose of subsection (1) section 5 and for determining their increase in value;
 - (c) the manner in which rates of betterment charges shall be calculated with reference to any lands or class of lands in an irrigation scheme;
 - (cc) the manner in which advance payment of betterment charges shall be realised and the amount thereof deducted or refunded;
 - (d) the form in which demand statements may be prepared under section (1) of section 8 and the procedure for preparing the same;
 - (e) the form in which notice of demand may be prepared under this Act, and the manner of their service;
 - (f) the time within which objections may be preferred from notices of demand under subsection (2) of section 8, the procedure for the determination of such objections and the authorities to whom and the manner in which and the conditions subject to which appeals may be preferred therefrom;
 - (g) the time within which betterment charges and acreage rates shall be payable after the notice of demand and the manner in which such charges or rates may be realised;
 - (h) the conditions subject to which any sum due under this Act may be paid in instalments and the rate of interest for the payment of such sum in instalments;
 - (i) the conditions subject to which any landowner may be allowed to relinquish any part of his land to the Government in satisfaction of betterment charges due from him;
 - (j) the manner in which betterment charges and acreage rates may be apportioned between landowners and occupancy tenants;
 - (k) the manner in which and the conditions subject to which any officer shall exercise his powers under this Act.
 - (l) any other matter requiring to be prescribed under this Act.

20. Repeal

- (1) The Punjab Betterment charges and Acreage Rates Act, 1952 (President's Act, No. III of 1952) is hereby repealed, but notwithstanding such repeal, any thing done or any action taken in the exercise of any power conferred by or under the repealed Act shall be deemed to have been done or taken in exercise of the powers conferred by or under this Act. so far as consistent with the provisions of this Act.
- (2) The Pepsu Betterment and Acreage Rates Act. 1954 (Pepsu Act No.1 of 1955) is hereby repealed:

Provided that the repeal shall not affect :

- (a) the previous operation of the Act. so repealed or anything duly done or suffered there under; or
- (b) any right, privilege, obligation or liability acquired or incurred under the Act so repealed; or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the Act so repealed; or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been passed;

Provided further that anything done or any action taken under the Act so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act, and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under this Act.

P.M. Ismail
Secretary to Government. Punjab,
Legislative Department.

**6. PUNJAB BETTERMENT CHARGES & ACREAGE
ACT, 1952 - NOTIFICATION FEBRAURY, 1955**

PUNJAB BETTERMENT CHARGES AND ACREAGE RATE ACT – 1952

NOTIFICATION FEBRUARY, 1955

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GOVERNMENT OF THE PUNJAB STATE
(INDIA)

PUNJAB PUBLIC WORKS DEPARTMENT IRRIGATION BRANCH NOTIFICATION

The 12th February, 1955

Rules issued under the "Punjab Betterment charges and Acreage Rates Act, 1952".

No. 326/CA/1544/52. In exercise of the powers conferred by section 19 of the Punjab Betterment charges and Acreage Rates Act, 1952, the Governor of Punjab is pleased to make the following rules to carry out the purposes of the aforesaid Act :

Rules

1. **Short Title :** These Rules may be called the Punjab Betterment Charges and Acreage Rates Rules, 1955.
2. **Definitions :** In these Rules:-
 - (a) "The Act" means the Punjab Betterment Charges and Acreage Rates Act, 1952.
 - (b) "Perennial Irrigation" means canal irrigation available throughout the year:
 - (c) "Restricted Perennial Irrigations" means canal irrigation available throught the year except during the months of July and August.
 - (d) "Kharif Irrigation" means canal irrigation available during the months of April to September both inclusive.
 - (e) "Rabi Irrigation" means canal Irrigation available during the months of October to March, both inclusive.
 - (f) "included lands" means land for which canal water has been provided in a duly sanctioned outlet under any irrigation scheme coming within the purview of this Act. Any area subsequently incorporated in the scheme shall also be considered to be "included lands".
 - (g) "Board" means the Board constituted under Rule 2 A; and
 - (h) "Chief Engineer" means Chief Engineer for the time being incharge of the scheme for the purpose of levy of betterment charges.
 - (i) "Outlet" the term used to desingate the work which passes water from Government channel to a watercourse;
 - (j) "assessee" means the persons liable to pay betterment charges and acreage rates under the Act"

2A. Constitution of the Board :

- (1) For the purpose of constituting the Board the Government shall call upon the Financial Commissioner, Revenue, and the Chief Engineer, to make recommendations for appointment of members. On receipt of such a requisition, the Financial Commissioner, Revenue, shall recommend two names of officers of the rank of collector. A similar recommendation regarding two names of officers of the rank of Divisional Canal officer shall be made by the Chief Engineer. After the recommendations have been received, the Government shall, out of the persons recommended, appoint a collector and Divisional canal officer as members of the Board. Each member shall hold office till he continues to serve on the office by virtue of which he was appointed.
 - (2) A vacancy in the office of member shall be filled on the recommendations of the authority, which had recommended the officer vacating his seat, in the manner provided in sub rule (1).
 - (3) The Board shall hold its meeting at least twice a month and a period of more than two weeks shall not elapse between any two of its meetings. The Divisional canal officer who is a member of the Board shall convene the meeting and prepare the agenda therefor. Not less than five days notice shall be given for convening an ordinary meeting:

Provided that an extraordinary meeting may be held on the desire of any of the members of the Board and for holding such a meeting a notice of three days shall be sufficient.
 - (4) The Board shall discuss and decide all matters arising with regard to the appraisal of the enhancement in the value of lands included in an irrigation scheme for the purpose of levy of betterment charges, as required under the Act and rules framed thereunder.
 - (5) Where there is a difference of opinion between the members of the Board on any point they shall record specifically their views on such point and submit the same to the chief Engineer for consideration and orders. The Chief Engineer may, on receipt of such papers, give his decision on the point at issue and in such a case the decision of the Chief Engineer shall be deemed to be the decision of the Board. Before giving any final decision, the Chief Engineer, may, if he considers necessary, consult the Financial Commissioner, Revenue, also;”
- 3. Mode of Publication :** Any proposal by Government to levy Betterment charges on lands included in any irrigation scheme or any other matter requiring publicity under the Act, shall be published in the official Gazette and certified copies and translations thereof in Hindi, Gurmukhi or Urdu shall be posted :
- (a) at the offices of the Deputy Commissioner and the Divisional Canal Officer concerned;
 - (b) at conspicuous places in the locality affected by the proposal, such as Tehsils and Thanas and Villages and shall also be announced by beat of drum or oral proclamation or other customary methods in the villages effected.

4. Method of Appraisalment of Enhancement in Value of Land :

- (1) The entire area included in an irrigation scheme shall be divided by the Board into blocks or assessment circles so as to have more or less uniform physical characteristics of soil in each block or circle as per classification in the last settlement, taking note of any changes which may have affected the productivity of the soil or the area concerned.
- (2) "The Board shall work out for each class of land in an assessment circle an estimate of net assets in cash as defined in clause (18) of section 3 of the Punjab Land Revenue Act, 1887 (Act XVII of 1887)
 - (a) For the date prior to the commencement of the scheme as fixed by Government by notification under section 5 of Act; and
 - (b) for the date after such commencement as the Government shall fix by notification under section 5 of the Act,subject to the following :
 - (i) The rates to be adopted for various commodities of produce of land, labour and any other expenses, shall be those prevalent in the year of that date.
 - (ii) for the purposes of calculating the net assets both for pre-scheme and post-scheme dates, the share that would be retainable by a tenant if the lands were let to a non occupancy tenant paying rent, whether in kind or cash, shall be two- third of the produce.
 - (iii) The yield to be assumed for calculating the net assets on both pre-scheme and post-scheme dates shall be as fixed in the last last settlement Report for soils of similar classification. Where the yield for any particular crop or regarding any particular kind of irrigation or class of soil is not available in the last settlement report for the assessment circle concerned in the Irrigation scheme, the yield may be taken as fixed in the last settlement report for the assessment circle situated in similar climatic region and receiving similar quantum of irrigation supplies, corrected, where necessary, by general observations regarding the quality of soil and local enquiry;
- (3) Value of the land of landowner or an occupancy tenant will be taken as 30 time his net assets.
- (4) The Betterment Charges shall be calculated with reference to classes of lands recorded in the last settlement and as modified in the latest Revenue Record available and also with reference to different types of irrigation facilities provided for any particular types of land.

5. Publication of Draft Schedule of Betterment Charges

A draft of the schedule of betterment charges prepared under section 4 (1) shall be published in the official Gazette and in the manner provided in Rule 3. This schedule will include information regarding rates per acre payable as Betterment Charges for each class of land

- (a) when paid in lumpsum.
- (b) when paid by instalments.
- (c) maximum number of instalments allowed for payment.

6. Disposal of Objections to Schedule of Betterment Charges

Any aggrieved landowner or occupancy tenant may present a petition in writing to Government through the Board within sixty days of publication of draft schedule in official Gazette or from the date of its publication in the village, whichever is later, stating his objections to the levy of Betterment charges or the rate thereof. The Board shall consider the objections and submit their report thereon to the Government.

7. Publication of Final Schedule of Betterment Charges

After considering the report of the Board and after further enquiry, if any, the Government shall determine the final schedule of betterment charges and publish the same in the manner laid down for publication of the draft schedule in rule 3 above.

8. Procedure for Altering Rate of Betterment Charges When Improvement is Made on Irrigation Scheme Already Subject to Levy of Betterment Charges :

If lift irrigation arrangements in regard to any land, are converted into gravity flow irrigation, the full betterment charges will be leviable from the assesses who may be required to pay the higher rate of betterment charges from the date the said conversion is effected, the number of instalments for payments remaining the same.

9. Procedure for Working Out Acreage Rates

The acreage rate shall be worked out by the Divisional Canal Officer on the basis of the estimated cost of one or more works or measures mentioned in section 6(1) of the Act after consulting, where necessary the Revenue or Colonization officer concerned. The Divisional Canal Officer will then submit his proposal to the chief Engineer.

10. Publication of Schedule for Acreage Rates

The procedure for publication of the Draft schedules of Acreage Rates and for receipt and disposal of objections of persons, by whom they are payable, and for publication of final schedule will be the same as that for betterment charges under these rules.

11. No Objection to be Entertained to Various Schedule on the Change of Ownership After the Expiry of Dates for Receiving Objections

No transfer of ownership after the period of limitation prescribed for objection to draft schedules for betterment charges or acreage rates or on any day after the publication of the final schedules shall give any right to the transferee for making fresh objection.

11 A. Procedure for realising advance payment of betterment charges

- (1) When the rate of advance payment of betterment charges is notified by the State Government under subsection (1) of section 5 A of the Act, the canal officer shall prepare a demand statement in respect thereof in the form prescribed for the charging of occupier's rate containing full particulars of the amount of advance payment of betterment charges which every person is liable to pay under the Act and cause a notice to be served upon him.
- (2) As soon as the demand statement referred to in sub-rule (1) is completed in respect of a village, the provisions of rules 12, 13, 14 (a), 14 (c), 15, 23, 24, 25, 27, 28, 29, 30, 33 (b) and 34 shall as far as may be, apply to the realization of the advance payment of betterment charges in the same manner as they apply to the realisation of betterment charges under the Act.
- (3) Receipts shall invariably be given by the Lambardar or other persons making the collection to each assessee for making advance payment of betterment charges.
- (4) An account of each landowner shall be maintained in the Divisional Canal Office showing the recoveries of advance payment of betterment charges.

11B. Procedure for realising advance payment in lumpsum of betterment charges

- (1) After the rate of advance payment in lumpsum of betterment charges has been notified under sub section (1) of section 9A of the Act, the Canal Officer shall publish a notice in the affected villages that any landowner who chooses to make an advance payment in lumpsum of betterment charges, may send an intimation to him of his choice to do so, at any time, through an application in writing. On receipt of such an intimation, the Canal Officer shall proceed to take further action as provided in sub-rule (1) of rule 11A with respect to the preparation of demand statement and service of notice.

Provided that where a landowner has already paid any amount under section 5A of the Act, the advance payment in lumpsum of betterment charges payable under section 9A of the Act, shall be reduced to that extent.

- (2) The provisions of sub rules (2), (3) and (4) of rule 11A shall, as far as may be, apply the advance payment in lumpsum of betterment charges.

12. Distribution of Notices of Demand

As soon as the Demand statement in respect of Betterment charges or acreage rates for any village are completed under section 8(1) of the Act, the Divisional Canal Officer shall forward the notices of Demand meant for assesses to the Canal Patwari, who will deliver them to the Lambardar concerned within five days of their receipt by him. The Lambardar will serve them among assesseees, or in case of their absence, to their recognized agents or an adult male member of the family of an assessee within 7 days of receipt of these notices of demand from patwari. The acknowledgments of assesseees or of their agents or adult member of the family for notices of Demand shall be submitted by Lambardars to Divisional canal officer by registered post or through the canal zilladar concerned within 10 days of their receipt from the canal patwari.

13. Submission of Demand Statement to Tehsils

One copy of notices of demand consolidated in the form of demand statement for each village shall be sent to the Tehsil concerned on the same dates as are fixed by the Financial Commissioner for despatch of Demand Statements for Occupier's Rates by Divisional Canal Officer for each crop.

14. Objections by Assesseees to Demand and their Disposal

- (a) Any land-owner or occupancy tenant may present his objections against the demand to the Divisional Canal Officer or the Deputy Collector concerned within thirty days of the date of service of the notices of demand or where the notices of demand were not duly served when he has knowledge of the demand against him.
- (b) The orders of the Divisional Canal Officer or the Deputy Collector, as the case may be, on such objection will be appealable to the commissioner of the division concerned within 30 days of the date of such orders.
- (c) No objection to the demand at the time of collection of betterment charges or acreage rates shall be entertained and their collection shall not be suspended.

15. Procedure of Recoveries

Any amount due from an assessee, under a notice of demand for betterment charges or acreage rates, shall be paid to the Lambardar concerned within 3 days of the receipt of the notice.

16. Option of Assessee for Mode of Payment

On publication of the final schedules of Betterment charges under section 4 (5) and of acreage rates under section 6 (4) of the Act, the Divisional Canal Officer shall publish a notice in the village affected thereby, that the land owner or occupancy tenant should intimate to him through

an application, in writing, within 30 days of the notice, his option with regard to the manner of payment by him. The notice will state that the option is to be exercised between :

- (a) One lumpsum payment;
- (b) by half-yearly instalments spread over a number of years as decided by Government, maximum number of instalments not exceeding 30;
- (c) offering a part of his land in lieu of full or part payment of betterment charges due from him.

If no intimation is received by the Divisional Canal Officer from any land-owner or occupancy tenant within the prescribed period, the recoveries will be made from him in instalments.

17. Assessee Can Alter His Option Subsequently

The land owner or occupancy tenant will have the option, after payment of the first or any subsequent instalment, to pay the balance in one lumpsum according to the amount outstanding against him less interest charges included in the balance for payment by instalments.

18. Rate of Interest on Instalments

In computing the amount of each instalment, simple interest at $4\frac{1}{2}\%$ per annum shall be taken into account. Similarly, $4\frac{1}{2}\%$ simple interest will be charged on all sums not paid on the due date.

19. Conditions for Surrender of Land in lieu of Betterment Charges

Surrender of land by any assessee in lieu of full or part payment of betterment charges shall be accepted only if -

- (a) the area to be surrendered is free of all encumbrances and is not in cultivating possession of a tenant or tenants;
- (b) it does not reduce the holding of the assessee to less than thirty standard acres or fifty ordinary acres, whichever is less; and
- (c) the area to be surrendered is in a compact block of not less than 10 ordinary acres

20. Evaluation of Land Offered for Surrender in lieu of Betterment Charges

Where land in lieu of betterment charges has been accepted by the Divisional Canal Officer after due investigation, he will evaluate the area surrendered at such rates as may have been fixed by the Board for such class of land with reference to the date subsequent to the commencement of the irrigation scheme fixed under section 4 (1). The decision of the Divisional Canal Officer shall be subject to the final approval of the Superintending Canal Officer.

21. Disposal of Land Surrendered

The land accepted in lieu of betterment charges shall be disposed of in such manner as Government may think fit, and the proceeds thereof shall be credited to the irrigation scheme concerned.

22. Apportionment of Dues Between Owners and Occupancy Tenants

The apportionment of betterment charges and acreage rates between landowners and occupancy tenants will be carried out by the Divisional Canal Officer or the Deputy Collector or other Revenue Officer of the district concerned, in accordance with their right as entered in the Revenue Records.

23. Apportionment of Dues Among Joint Ownerships

If any land on which betterment charges are levied, is owned by more than one person, or is in possession of more than one occupancy tenant, the Divisional Canal Officer or Deputy Collector or other Revenue Officer, on receipt of an application from any one or owners will apportion betterment charges amongst all owners or occupancy tenants according to their shares in the said land or tenancy as given in Revenue records. But nothing contained herein shall effect joint and several liability to pay full amount of betterment charges.

24. Rules Regulating the Service of Summons and Notices Etc

Except as otherwise provided in these Rules, every summons, notices order and requisition which, under the Act, or the Rules made thereunder, is required to be served on, or issued, delivered or communicated to any person, shall be so served, issued, delivered, or communicated, as the case may be, as hereinafter provided :

- (1) Every such summons, notice, order or requisition shall be drawn up in writing and dated and signed by the officer having authority to issue or make the same under his seal.
- (2) Every summons, notice, order or requisition, which is required to be served on or delivered or communicated to any person shall, whenever possible, be so served delivered or communicated :-
 - (a) personally on or to the person to whom it is addressed or failing him;
 - (b) on or to his recognised agent, or failing such agent;
 - (c) on an adult male member of his family usually residing with him.
- (3) If service, delivery or communication cannot be so made or effected, or if acceptance is refused; the summons, notice, order or requisition may be served, delivered or communicated by posting a copy thereof at the usual or last known place of residence of the person to whom it is addressed, or to be communicated, or if that person does not reside in that district, then in such a manner as the officer authorised to issue or make the same may direct.

- (4) If the summons, notice, order or requisition relates to a case in which persons having the same interest are so numerous that personal service on each one of them is not reasonably practicable it may be served, delivered or communicated by delivery of a copy thereof to such of those persons as the officer authorised to issue or make the same, specially nominates in this behalf, and by proclamation to be nominations in this behalf, and by proclamation to be made by beat of drum or other customary method of the contents thereof for the information of the other persons interested.
- (5) A summons, notice, order or requisition may be served on, or delivered, or communicated to the person named therein, in addition to or in substitution of, any other mode of service by forwarding the summons, notice, order or requisition by post in a registered letter addressed to that person.
- (6) When a summons, notice, order or requisition is so forwarded in a letter and it is provided that the letter was properly addressed and duly posted and registered the officer authorised to issue or make the same may presume that the summons was served at the time when the letter or would have been delivered in the ordinary course of post.
- (7) In every case in which service of any process is not effected personally, the officer authorised to issue the same shall satisfy himself, by examining the process server or otherwise, that such service has been duly effected in the manner required by these rules.

25. Quasi Permanent Allotment of Evacuee Lands

In case of evacuee lands, demands for betterment charges and acreage rates shall be presented to the custodian of Evacuee Property.

26. Exemption Not Permitted

Where a land-owner or occupancy tenant fails to irrigate during any crop, himself or through his tenant, a part or whole of his area included in the irrigation scheme, no exemption will be granted in respect of betterment charges or acreage rates payable in respect of such unirrigated areas.

27. Acceptability of Civil Records as Evidence

Every entry recorded in the Revenue Records shall be relevant as evidence in any dispute as to the matters relating to the assessment of Betterment Charges and acreage rates shall be presumed to be true until the contrary is proved or a new entry is substituted therefor in accordance with the procedure prescribed by law.

28. Method of Dealing With Alteration in Demand

If, after delivery of the demand slips to the assessee, any addition is made to the demand, or any suspension is allowed under the Act or rules thereunder, such addition or suspension shall be communicated to the owner or occupancy tenant, as the case may be, by means of supplementary demand slips. Demands shall be shown in black ink, and suspension in red ink. All such alterations as are made before the despatch of the demand statements to the Tehsil concerned under rule 13 supra shall be included in that document and shall also be written on slips similarly printed and attached to the demand statement. Alterations made after the despatch of the demand statement shall be intimated to the Tehsil concerned in a supplementary consolidated statement after 60 days. Any addition or suspension allowed thereafter shall be similarly incorporated in the demand statement for the succeeding harvest. Due intimation will be given about additions and suspension to assessee concerned by issue of supplementary demand slips in the manner prescribed in Rule 12.

29. Minimum Amounts for Additions and Remission

No additional demand shall be prepared and no suspension shall be granted where the amount for any individual demand amounts to Rs. 1 or less for acreage rates, or for betterment charges.

30. Demand for Betterment Charges and Acreage Rates Not to Lapse

The dues on account of betterment charges or acreage rates shall not lapse on account of their not having been demanded within a certain period.

31. Irrecoverable Balances

When balances are found to be irrecoverable owing to want of assets or the defaulter absconding, or any other cause, they shall be reported to the Collector of the District, who if, he sees fit, will forward such cases to the Commissioner for action under the Punjab Land revenue Act, as amended by Punjab Act. XLV of 1953.

32. Lambardars to Issue Receipts for Collection

Receipts shall invariably be given by the Lambardar or other person making the collection to each assessee on payment of betterment charges or acreage rates on a prescribed printed form,

33. Unit of Area for Calculation of Betterment Charges and Acreage Rates

- (a) For purposes of calculating acreage rates, fraction of less than half acre shall be ignored and acre as of more than half and less than one acre shall be counted as one acre.
- (b) For calculating the betterment charges, the exact area shall be the basis of charge.

34. Demand Statement to be Accessible to Assesseees

The canal Patwari shall be responsible for ensuring that the village copy of the demand statement is at all times accessible to any person who is liable to pay betterment charges or acreage rates.

Miscellaneous

35. Condonation of Period of Limitation in Certain Cases

An appeal may be admitted after the period prescribed upto 6 months when the appellant satisfies the appellate authority that he had sufficient cause for not presenting the appeal within such period.

If the period prescribed expires on a day when the office of the appellate authority is closed, the appeal may be presented on the day the office re-opens.

36. Calculation of Period

The period prescribed shall be calculated from the date of decision or order appealed from and, in computing such period, the day when the decision or order was made, and the time spent on obtaining a copy of the decision or order appealed against shall be excluded.

37. Form of Appeal

The application for admission of an appeal shall be stamped in accordance with the law in force relating to Court Fees, and shall be accompanied by a copy of the decision or order appealed against, and shall state concisely the grounds upon which the appeal is preferred.

38. When Appeal May be Summarily Rejected

The appeal may be rejected if, upon a perusal of the grounds of appeal and the copy of the decision or order appealed against, it appears to the appellate authority unnecessary to call for the proceedings.

39. Procedure on Admission of Appeal

If the application be granted, an entry thereof shall be made in a register of appeals numbered consecutively, and a day shall be fixed for the hearing of the appeal.

40. Notice of Hearing to be Given

Unless the appeal is rejected under rule 38 notice of the date and place fixed for hearing of the appeal shall be given to the appellant in such manner as the appellate authority may direct, and to every other party to the case whose interest is opposed to that of the appellant in the manner hereinafter prescribed.

41. Contents of Notice

A written notice containing the title of the appellate authority, the names of the parties, the date and place fixed for the hearing of the appeal, and such other particulars as the appellate authority may, by general or special order, direct shall be issued in duplicate under the hand and seal of this authority.

42. Mode of Service

All notices and processes issued in connection with appeals shall be served in the manner prescribed for the service of summons and notices generally.

43. Acknowledgment of Personal Service

When personal service is effected, the addressee shall be required to acknowledge the service by affixing his signature, seal or mark on the back of the duplicate copy to be retained by the serving officer.

44. Memorandum by Serving Officer

The serving officer shall, in every case, endorse on the duplicate copy a memo, signed by him of the date and mode of service and return each copy to the authority which issued it.

45. Hearing May be Postponed or Adjourned

The hearing of an appeal may be postponed or adjourned, from time to time, as the appellate authority may so fix, by written order, to direct, to any subsequent date, and notice of such date shall be given to the parties in such manner as the authority may direct.

46. Court to be Satisfied Before Hearing That Notice Has Been Received by Parties

Except in cases falling under rule 38 the appellate authority shall not proceed to the hearing of an appeal unless and until it is satisfied that notice of the date and place fixed for such hearing has been received by the parties concerned in sufficient time to permit them to appear or to be represented at such hearing, provided that the appellate authority may presume that notice has been received when a written notice has been served in any of the ways described in these rules, provided also that an appeal may be heard and decided, notwithstanding the absence of any party who in spite of due service of the notice does not appear on the day for hearing the appeal.

47. Procedure for Hearing and Disposing of Appeals

- (a) **What parties present** - The appellate authority before passing order or decision on the appeal, shall record in writing which (if any) of the parties to the appeal are present, in person or by representative, at the hearing thereof.

- (b) **Other enquiry by appellate court** - The appellate authority, if it thinks further enquiry is necessary, may conduct such enquiry itself.
- (c) **The decision or order of court** - When the hearing of the appeal is concluded, decision or order of the appellate authority, shall, when practicable be pronounced forthwith and shall be recorded in writing and be signed by the appellate authority and the substance thereof shall be explained to such of the parties, or their representative, as are present when the decision or order is pronounced or given.
- (d) **Translation thereof** : Every decision or order recorded in English shall be translated into hindi or the current language of the locality, and the translation shall be authenticated by the signature of the appellate authority and files with the proceedings.

48. Copy thereof to be Sent to Subordinate Officer

A copy of the decision or order shall be transmitted by the appellate authority to the officer from whose decision or order the appeal was preferred.

49. Copies to be Granted to Parties

A copy of the decision or order of the appellate authority, in English, Hindi or Punjabi, shall be granted to any person concerned or interested therein, who shall apply for the same, upon payment of the proper court fees and copying charges.

50. Hearing in Certain Events

In any case in which an order on appeal is passed ex-party against a person, he may apply to the appellate authority, by which the order was passed, for an order to set it aside; and if he satisfies the authority that the summons or notice was not duly served, or that he was prevented by any sufficient cause from appearing when the appeal was called for hearing, the authority shall make an order setting aside the order as against him, upon such terms as it think fit, and shall appoint a day for proceeding with the appeal.

Sd/-

S.L. Malhotra,

Secretary to Govt. Punjab P.W.D.

Irrigation Branch

PUNJAB STATE TUBEWELL ACT – 1954
(ACT XXI OF 1954)

PUNJAB STATE TUBEWELL ACT – 1954
(Act XXI of 1954)

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**PUNJAB STATE
TUBEWELL ACT 1954**

(Act XXI of 1954)

Punjab Government

Legislative Department

Notification

The 15th May, 1954 No. 53 Leg/54

The following Act of the State Legislature received the assent of the Governor of Punjab on the 10th May, 1954 and is hereby published for general information:-

PUNJAB ACT, NO. XXI OF 1954

The Punjab State Tube-well Act 1954

AN ACT

to provide for the construction, improvement and maintenance of State Tube-well Irrigation Works in Punjab.

It is hereby enacted as follows :

Short title extent and commencement

1. (1) This Act may be called the Punjab State Tube-well Act, 1954
- (2) It extends to such local areas in Punjab as the Government may from time to time by notification direct.
- (3) It shall come into force on such date as the Government may by notification in the official Gazette direct.

Definitions

2. In this Act, unless there be something repugnant in the subject or context
 - (a) "Government" means the State Government of Punjab;
 - (b) "Prescribed" means prescribed by rules made under this Act;
 - (c) "State Tube-well" means a tube-well hitherto constructed, maintained or controlled or which may be hereafter constructed, maintained or controlled by the Government and includes all mechanical and electrical appliances, tools and structures appertaining to it and necessary for the abstraction of water from it;
 - (d) "Tube well" means any device for lifting water from below the surface of the ground by mechanical means operated otherwise than by human or animal power;

- (e) "Underground Water" means water under the surface of the earth regardless of the geologic structure in which it is standing or moving, but it does not include water flowing in artificial underground streams.

Application of the Act

3. The Government may, by notification in the official Gazette, declare that any tract of land is a tract to which this Act will apply with effect from a day to be named in the notification, not being earlier than three months from the date thereof.

Application of Act VIII of 1873 to State Tube-wells

4. In respect of any State Tube-well the provisions of the Northern India Canal and Drainage Act 1873 (VIII of 1873) (hereinafter referred to as the said Act), shall be deemed to apply in like manner as if such State Tube-wells were a canal within the meaning of the said Act, except the provisions of Section 1, clause (4) of Section 3, Section 5, and Parts VI and VIII of the said Act.

Provided that for the purpose of such application the said Act shall be subject to the following modifications :

- (1) In Section 6 of the said Act for the words "so named" the words "named in a notification under Section 3 of the Punjab State Tube-well Act, 1954" shall be deemed to be substituted, and for the words "such application or use of the said water" the words "the application or use of underground water for the purpose of a State Tube-well" shall be deemed to be substituted".
- (2) In section 8 of the said Act clauses (a) and (c) and the reference thereto in clause (i) shall be deemed to be omitted, in clause (g) for the words "through any natural channel which has been used for purposes of irrigation" the words "in any well which has been used" shall be deemed to be substituted and in the last paragraph for the words and brackets "clause (a), (b) and (c)" the word and brackets "clause (b)" shall be deemed to be substituted.
- (3) In Section 32 of the said Act :
 - (i) in sub-clause (1) of clause (a), the words "and with the previous sanction of the State Government" shall be deemed to be omitted.
 - (iii) clause (d) shall be deemed to be omitted.
- (4) In Section 68 of the said Act, for the words "Such Officer shall thereupon give notice" the words "On receipt of such application or when in the opinion of the Divisional Canal Officer any such difference is likely to arise he shall give notice" shall be deemed to be substituted.
- (5) In clause (2) of Section 70 of the said Act, the words "except by the construction of a tube-well" shall be deemed to be inserted before the word "interferes" and clauses (6) to (9) of the said section shall be deemed to be omitted.

UTTAR PRADESH
(Including Uttaranchal)

RULES UNDER THE NORTHERN INDIA CANAL

**RULES UNDER THE NORTHERN INDIA
CANAL AND DRAINAGE ACT, 1873
(From I.M.O. Vol.II) Para 153
(Rules Under Act VIII of 1873 as Amended by Act XVI of 1899)**

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RULES UNDER THE NORTHERN INDIA

CANAL & DRAINAGE ACT 1873.

(From I.M.O. Vol. II.) Para 153

(RULES UNDER ACT VIII OF 1873

(AS AMENDED BY ACT XVI OF 1899)

Construction and Maintenance of Works

Section 18

1. **Orders for construction of masonry works-** The order which a Divisional Canal Officer may issue under section 18 of the Northern India Canal and Drainage Act, 1873, shall be issued in writing after satisfying himself of the necessity thereof, and shall be served on each person concerned.

Section 20 and 21

2. **Form of application for water –** All applications for water to be supplied for irrigation through an existing channel or through a channel to be constructed by the applicant, shall be made as early as may be in the form prescribed in appendix I.

Section 24

3. **Proceedings of Collector –** The notice which the Collector is required to give to the Divisional Canal Officer under section 24 of the said Act shall be given not less than 14 days previous to the date fixed for the inquiry.

Section 29

4. **Opening of new water- courses-** Water shall not be admitted into any new water course until all works have been constructed which are necessary for the passage across such water-course or water courses existing previous to its construction, and of the drainage intercepted by it, and for affording proper communication across it for the convenience of the neighbouring lands and of the public.

Supply of Water

5. **Introduction of new irrigation-** As a rule, the area to be irrigated annually in each village should be calculated at from 35 to 45 per cent of the cultivated area. From the area thus arrived at, the area irrigated annually from masonry wells or other permanent and reliable sources should be deducted. The balance will be the area to be irrigated from the canal. In deciding the actual percentage of the cultivated area which should be adopted for any tract the proportion of the culturable to the cultivated area should be considered, as well as the quantity of water available for the irrigation of the tract.

6. **Grounds of refusal to grant water-** An outlet for the supply of water from a Government channel shall not ordinarily be granted in respect of lands where in the opinion of the Divisional Canal Officer-

- (a) serious loss from wastage is likely to occur;
- (b) reasonable grounds exist for believing that irrigation will, by raising the spring level or otherwise, prove injurious to health or agriculture;
- (c) the available supply of water in the canal, distributary or water-course is already fully utilized;
- (d) the length of the water course from its head to the point of contact with such lands does, or would, exceed one mile.

Sections 31&32

7. **Fields liable to be debarred from canal irrigation** – With the previous approval of the Commissioner, the Divisional Canal Officer may prohibit the use of Canal water-

- (a) in any field which is irrigable from any other source of a permanent and reliable character.
- (b) on lands to which in accordance with rule 6 (a) supply of water would not ordinarily be granted;
- (c) for the irrigation of any kharif crop when the land to be irrigated is situated within one mile from the outermost houses of any town, if such irrigation be objected to by the Municipal Committee, or, if there is no Municipal Committee, by the Collector. Provided that, when any prohibition of the future use of canal water is made under this rule, in respect of lands in which irrigation is already established, the occupier of the land affected shall be entitled to such compensation if any, as the local Government may think just.

The order under this rule debarring any field or fields from irrigation by canal water shall be in writing under the hand of the Divisional Canal Officer, and shall be affixed in a conspicuous place in each village concerned; and a copy of the order shall be conveyed to the canal ziladar and to the patwari or, in his absence, to the Lambardar.

It shall be the duty of the ziladar and the patwari to make the purport of the order known to the land owners and cultivators concerned.

8. **Alteration in distribution of canal irrigation** – No material change shall be made in an established system of canal distribution without previous consultation between the Canal and Revenue Departments, and consent as to the detailed manner of carrying it into effect.

Notices in regard to the reduction and removal of outlets, with brief reasons therefor, shall be

issued to the cultivators concerned, so as to give them time to lodge objections before the proposals are submitted for the approval of the Collector of the district, and at least one clear fasl before the changes are likely to take place, so that the guls of the outlets concerned may be connected up. Before the changes are made, necessary osrabandis shall be prepared.

Section 31

The size or position of an existing outlet shall not be altered without the sanction of the competent authority.

9. **Filling of tanks for watering cattle**— Tanks may be filled with canal water without charge, and without reference to the area irrigated in any village, whenever water can be made available without injury to the cultivation dependent on any canal, subject to the following regulations;

- I - Except as provided in rule 10, no tank shall be so filled unless exclusively used for domestic purposes or watering cattle.
- II- No tank shall be so filled which, intercepting any line of drainage, is liable to overflow from accumulation of water from natural causes.
- III- No tank shall be so filled except on the written order of the Sub-Divisional Canal Officer, issued on the written applications of the parties concerned, at such times and to such extent as the Sub-Divisional Canal Officer approves.
- IV- No tank shall be so filled unless the water course used to fill it shall be shown to the satisfaction of the Sub Divisional Canal Officer to be in a sound condition when the application is made;
- V- In the event of any breach of the foregoing regulations by any person for whose benefit the tank has been so filled, or of any such person using any tank so filled otherwise than for domestic purposes or for watering cattle, the privilege, by this rule afforded, may, in addition to any penalty which may be incurred under the Act, be suspended for twelve months by order of the Divisional Canal Officer, passed on a regular proceeding and inquiry in each case.

Section 31

10. **Irrigation from tanks or natural depressions** — On the written application of the owner of a tank or natural depression and of any person requiring the water, and with the previous sanction of the Divisional Canal Officer, tanks or natural depressions may be filled with canal water for irrigation purposes, or canal water filled into tanks under rule 9 or rule 12 may be used for irrigation. The rates ordinarily leviable for irrigation from the canal shall be charged for all fields irrigated in this way from tanks or natural depressions filled with canal water;

Provided that the fields, if any, irrigated from a natural depression, during the fasl in which the water is supplied, and previous to the introduction of canal water, shall not be liable to water-

rate for that fasl. A list of such fields shall be drawn up and signed by Ziladar and the lambardar or patwari in token of its correctness.

11. **Contracts for water for other than irrigation purposes** – The Divisional Canal Officer is empowered to make contracts for the supply of canal water for purposes other than irrigation for any term not exceeding one year. For terms exceeding one year the previous sanction of the local Government shall be necessary.
12. **Charges for water used for other than irrigation purposes in the absence of a special contract** - With the previous permission of the Divisional or Sub-Divisional Canal Officer tanks may be filled, or water may be supplied, without a special contract, from a canal direct in small quantities, for purposes other than irrigation, at such rates, and subject to such conditions, as may from time to time be prescribed by the local Government in rules under section 75 of the said Act.

Sections 32 (f) and 75 (3)

13. **Water supplied to cantonments, towns, etc.**– When water is supplied to forts or other military buildings, cantonments, civil stations, cities, public gardens or other places of public resort, either by filling of tanks or by direct flow, contracts at special rates may be made by the Divisional Canal Officer with the sanction of the local Government.

Section 32 (a)

14. **Tatils** – Divisional Canal Officers are empowered, for purposes of administration, tatils, and canal repairs and maintenance, to order the closure of any water-course for periods which shall not extend beyond twelve consecutive days. On the Betwa Canal the periods may extend to, but shall not exceed, eighteen consecutive days. For longer closures the authority of the Superintending Canal Officer is required.

Orders for closures under this rule must be notified-

- (a) by a notification under the hand of the Divisional Canal Officer, a copy of which shall be conveyed by the canal establishment, with due expedition, to each village concerned, and delivered to the patwari or, in his absence, to any lambardar, the acknowledgment of each person to whom a copy of the notification is delivered shall be affixed to a schedule prepared for the purpose, which shall be recorded in the Divisional Canal Office; or
- (b) in the form of special orders issued upon particular occasions.

Orders of the latter description shall be in writing, under the hand of the Divisional Canal Officer. It shall be the duty of the patwari or lambardar who receives the notification above described to affix it at once in a conspicuous position in the village, and to make its purport generally known.

Section 32

15. **Stoppage of supply in improperly maintained water courses-** Stoppage of supply of water to any water course under clause (a) (2), section 32 of the said Act, may be enforced when the Canal Officer recommending such stoppage has satisfied himself, by personal inspection, that the water course is not maintained in proper repair, as contemplated in the said writing under the hand of the Divisional Canal Officer. Immediate report shall be made to the Collector when the duration of such stoppage is likely to extend to a period of thirty days or more, the special grounds for stoppage being explained in each case.
16. **Power of Canal Officer in cases of emergency-** Nothing in the foregoing rule shall be taken to affect the power of the Canal Officer to close any water-course or stop any supply of water on his own authority in cases of pressing emergency.

Section 32 (b)

17. **Claims for remission due to stoppage or failure of supply -** Claims under clause (b), section 32 of the said Act, to remission of the occupier's rate, shall be admitted only on proof of actual loss caused by the failure or stoppage of supply; on proof of such loss, the water rates may be reduced in the manner provided in rule 28, or, if the rates have already been assessed, the whole or any portion of the charges may be remitted as hereinafter provided. All claims to such remission shall be made to the Divisional Canal Officer at least 15 days previous to the cutting of the crop. The Divisional Canal Officer may reject or admit any claim. If the claim be admitted, the Divisional Canal Officer shall remit or where collection has been already made, direct refund.

Claims to remissions of ordinary charges, other than occupier's rate, payable for the use of canal water, shall only be admitted on proof of actual loss caused by the stoppage of supply. On proof of such loss, the whole or any portion of the charge may be remitted by the Divisional Canal Officer.

Section 32 (c)

18. **Compensation-** Before awarding compensation under clause (c), section 32 of the said Act, the Collector shall obtain the written opinion of the Divisional Canal Officer.

Water Rates

Section 36

19. **Assessment of occupier's rates** – Occupier's rate shall be assessed by the Divisional Canal Officers on the area irrigated at the rates specified in the schedules of occupier's rates for the time being in force as notified by the local Government in accordance with section 75 of the said Act and subject to the following rules 20 to 31.

When, however, in order to secure efficiency of distribution, economy in the use of water, or the rapid development of irrigation, the local Government has constructed water- courses at

the expense of the State, an additional charge of four annas an acre may be levied on all lands irrigated from the water- courses for such period as will recoup the Government for the cost of construction together with interest charges thereon at a rate of six per cent per annum.

Section 36

20. **Charge leviable for "paleo" :-** When a field receives only a preliminary or paleo watering and afterwards no crop is sown, the lowest rate of charges relating to the fasl, "lift" or "flow", as the case may be, shall be imposed. If a crop is afterwards sown:

- (a) If a kharif crop, the field shall be assessed at the rate prescribed for the crop sown, whether or not subsequent watering is taken.
- (b) if a rabi crop, a higher rate shall only be charged if a subsequent watering is given.

Section 36

21. The irrigation year for sugarcane shall be assumed as from January 15. In any year, however, the Divisional Canal Officer may by written order permit paleo for sugarcane before that date, if the conditions of the season admit of it without damage to, or restriction of, Rabi irrigation. Areas irrigated under such permission will be measured and assessed as Kharif irrigation.

Area irrigated without such permission before January 15 shall be assessed as follows:

- (1) If no subsequent watering is given, the full rate for sugarcane.
- (2) If a subsequent watering is given, the rabi paleo rate will be charged in addition to the full sugarcane rate. In very dry years when water is required to save rabi crops a punitive rate may be levied under the orders of the Divisional Canal Officer equal to double the rabi paleo rate in addition to the full sugarcane rate.

Section 36

Charge leviable for the irrigation of mixed crops- If mixed crops be grown in the same field the occupier's rate shall be calculated on the highest rated crop. If different crops be grown in different parts of the same field the occupier's rate for the whole shall be calculated on the highest rated crop, unless the division between crops shall have been clearly defined by a ridge not less than half-a-foot high.

22. **Charge leviable for arhar crop-** Arhar sown with any other crops and irrigated shall be subject to the rules of assessment for mixed crops for the fasl in which it is irrigated. Arhar when sown alone and irrigated in the Kharif fasl shall be assessed at the Kharif rate, if subsequently irrigated in the Rabi fasl, it shall be assessed at the difference between the rate it has already paid and the rabi rate (if any)

Section 36

23. **Charges leviable on fields re-sown -** When the original crop sown in a canal irrigated field fails and is ploughed up and a fresh crop sown in the same season, the occupier's rate to be levied shall be that due on the crop which comes to maturity:

Refer G. O. No. 88 of 2-4-40

Provided that :

- (1) If the original crop was destroyed by rain or flood, if in the opinion of the Divisional Canal Officer the destruction of the crop was not due to negligence on the part of the cultivator, or, if a kharif crop, to its having been sown on land which is usually flooded during the rainy season, or if sugarcane, it has failed to germinate or been destroyed through any cause whatever prior to the break of the monsoon, no rate shall be charged, unless canal water is taken for the subsequent crop;
- (2) If in the opinion of the Divisional Canal Officer, the destruction of the crop was due to negligence on the part of the cultivator, or if a kharif crop, to its being sown on land which is usually flooded during the rainy season, the rate to be charged shall be that due on the crop first sown, unless canal water is taken for the subsequent crop.

Section 36

24. **Charge leviable on fields partly irrigated-** If only a portion of a field be irrigated, the occupier's rate shall be chargeable on the whole field, unless such portion shall have been clearly demarcated by a ridge not less than half-a-foot high except in the Jhansi, Hamirpur, Jalaun and Banda districts. In these districts the areas actually irrigated will be measured.

Section 36

25. **Charge leviable on fields partly irrigated from canal, partly from well or other source-** Where a portion of a field has been irrigated with canal water, and a portion with water from a well or any other source, the whole field is liable for canal occupier's rate, unless a clearly distinguishable boundary, demarcated by a ridge not less than half-a-foot high exists between the two portions. Inquiry shall be made whether the use of water from a well or any other source was in consequence of a deficiency in the supply of canal water, and if it be proved that it was so, the rate charged for canal water shall not exceed "lift" rates in the portion irrigated by well water.

Sections 35 & 36

26. **Use of canal water courses for conveyance of water from a well or any other source-** If water from a well or any other source is conveyed in the same channels as canal water in the course of the same seasons, the whole of the irrigation from that channel during such season is liable to be treated as irrigation from the canal.

Section 35

27. **Charge leviable for water used without permission, or at time prohibited by proper authority, for the irrigation of debarred fields-**

Persons using water without permission or at time prohibited by proper authority (i.e., during tatils) or for the irrigation of a field which has been debarred from canal irrigation under rule 7, shall, in addition to the ordinary rate which would be leviable, be chargeable with a punitive

rate equal to the above ordinary rate for each separate and distinct occasion on which the water is so used, provided that in every such case the Divisional Canal Officer may impose a lower charge if he thinks fit.

In the case, however, of persons wilfully cutting the banks or placing bunds in the bed of a canal, for the purpose of irrigating their fields, the punitive rate may in each such case, at the discretion of the Divisional Canal Officer, be increased to twice the ordinary rate.

If the water has been used for irrigation, the area irrigated shall be measured, and notice shall at once be given on each such occasion to the persons concerned that they will be charged in the demand statement under this rule for the area so watered.

Section 35

28. **Charge leviable on crops injured by failure of supply, floods, etc.** — If a crop which has been irrigated with canal water is subsequently injured by failure or stoppage of supply, or by locusts, hail, rain, floods or other calamity, and if in the opinion of the Divisional Canal Officer the injury is not due to the negligence of the cultivator, or if the injury to the crop, being a kharif crop, is not due to its having been sown on land which is usually flooded during the rainy season, the rate to be charged for the irrigation of the crop shall be such proportion of the ordinary rate as may be determined by the Divisional Canal Officer acting under the general instructions of the local Government and in consultation with the Collector.

Reductions of water-rates under this rule shall, so far as is possible, be made before the jamabandis are dispatched to the Collectors' offices. All claims for remissions subsequently received on the grounds of injury from locusts, hail, rain, floods or other calamity shall be dealt with in accordance with the procedure laid down in rule 17 for claims on account of loss from failure or stoppage of supply.

Section 36

29. **Charge for irrigation from escapes-** Irrigation from escape channels, when the supply is permanent, shall be governed by the same rule as irrigation from other parts of the canal. Irrigation from such channels, when the supply is intermittent, may be allowed at half the rate in force for irrigation from the canal. Once the escaped water has left an escape channel no rate shall be charged on irrigation effected from it, except as provided for in rule 10.

Section 36

30. **Charge leviable for irrigation from drainage channels-** If there is sufficient water in a drainage cut, or in a natural drainage channel improved by Government and notified under section 55 of the said Act, to allow of irrigating there from without making bunds, such irrigation may be permitted by the Sub-Divisional Canal Officer free of charge, on the understanding that no obstructions whatever will be allowed in the drain, and that, if any are put in, not only will permission to use the water be withdrawn, but the persons causing the obstructions will be

prosecuted under clause (1) to (3) of section 70 of the said Act.

When, without the permission of the Divisional Canal Officer under rule 11, canal water is taken by means of a neighbouring water course into a drainage channel formed or maintained by Government, the person so taking the water can, whether the water be wasted or not, be proceeded against under section 70(2) of the said Act. Any person taking water in similar way into a natural drainage channel, and thereby wasting the water, is liable to be prosecuted under section 70(4) of the Act. The water rates ordinarily in force shall be levied on all lands irrigated in either of the above ways, and all such irrigation should be discouraged.

Section 36

- 31. Charge leviable for waste-** The charge leviable for water suffered to run to waste may, when the land flooded is uncultivated, be calculated on the area flooded at the highest occupier's rate for the time being leviable; or at double this rate when the depth to which the area is flooded exceeds six inches, or at treble this rate when the depth to which the area is flooded exceeds one foot; and, when the land is cultivated, at double the rate so leviable for the class of crop grown on it: provided that in every such case the Divisional Canal Officer may impose a lower charge if he thinks fit.

Bundhi Rules

- 31-A Charge leviable for canal water taken into bundhis and irrigation done therefrom in the Mirzapur Canals sub-division.**

- Clause I- If any canal water is admitted into a bundhi after 31st October, but before 1st May, whether intentionally or unintentionally, all Rabi and Kharif irrigation effected with water from this bundhi up to the break of the next monsoon will be charged for. No Charge will be levied for any Kharif irrigation done after the break of the next monsoon unless water is taken into the bundhi after 30th April.
- Clause II- If any canal water is admitted into a bundhi after 30th April and before 1st September, either intentionally or unintentionally, all Kharif irrigation done from the bundhi will be charged for. If canal water is admitted into a bundhi during September or October, all Kharif and Rabi irrigated from the bundhi and rabi sown in the emergent land will be charged for.
- Clause III- If the volume of water admitted into a bundhi is small and easily measurable the zamindar or cultivator concerned may, within fifteen days of the water entering the bundhi, send an application in writing to the Sub-Divisional Officer requesting that the volume of water be charged for instead of the area to be irrigated. This request shall be complied with, the rate charged being that laid down in Appendix IV, Irrigation Manual of Orders, for water supplied in bulk, provided no irrigation has been done before the water is measured and also that water does not enter the bundhi again after the measurements of the volume have been made. In all

other cases no charge will be made for the volume of water taken into the bundhi, rates only being levied on the area irrigated as provided under clauses I and II.

- Clause IV The Sub-Divisional Canal Officer may exempt any particular bundhi from the irrigation charges, if in his opinion the bundhi is self sufficient and could have done without canal water during the fasl in question or if in his opinion the quantity of canal water that entered into it had no appreciable effect on the capability of the bundhi to irrigate the area actually irrigated.
- Clause V The rule 45 of the rules under the Canal Act will apply only when a case is not covered by any of the above rules.
- Clause VI- When a patrol sees a bundhi which has been filled or is being filled with canal water he should at once record in the Shukar Khasra the field numbers comprising the submerged area of the bundhi, the actual date, if known, or the approximate date if the actual date be not known, on which canal water was taken, being noted. Amins must give special attention to the partial of filling of bundhis after 1st May and the officers to the rechecking of this. As soon as canal water is taken into a bundhi it should be reported to the ziladar who should get it entered in the register meant for the purpose and should, notify the fact of canal water having been taken to the owner concerned by means of a registered acknowledgment-due postcard. If for any reason the notice is received back unserved, it should be handed over to the patwari or mukhia and his acknowledgement taken. A copy of the report of filling a tank should be sent by the patrol direct to the Sub-Divisional Officer who will get it noted in a register maintained in his office.
- Clause VII If the owner of the bundhi desires to contest the correctness of the entry regarding filling of the bundhi with canal water, he must lodge a complaint with the Sub Divisional Canal Officer or the Canal Ziladar within fifteen days of the date on which he or the patwari or mukhia received the notice mentioned in clause VI above.
- Clause VIII The owner of a bundhi shall stop the supply of canal water when his bundhi is full, unless water is required for any bundhi or bundhis lower down. If any canal water is allowed to run to waste, charges are liable to be levied on the owner of the bundhi in accordance with paragraph 153 section 31 of the Irrigation Manual of Orders. If canal water, escaped from one bundhi, enters another bundhi which the owner thereof had no intention of filling, any such water not used for irrigation by the owner of the bundhi into which the escaped water entered shall be considered to have run to waste.

Section 36

32. **Definition of the term "Occupier"**- For the purposes of section 36 of the said Act the following persons shall be deemed to be "occupiers", namely:

- (a) Where the proprietor or the tenant, other than a tenant of Sir land, is in actual cultivatory occupation such, proprietor or tenant; and
- (b) Where the proprietor of Sir land has let it, or where the tenant of the land other than Sir land has sub-let it, such proprietor or tenant and the person in actual cultivatory occupation.

In the cases referred to in clause (b) the proprietor or tenant and the person in actual cultivatory occupation shall be jointly and severally liable for the payment of the occupier's rate.

Chak system of rice irrigation

- 32 A. Rules for the regulation and measurement of rice irrigation under the "Chak" system in the Rohilkhand Canals division and in the Bijnor Canals of the Irrigation Development Division (East).

Definitions

- (i) By "Superintending Engineer", "Executive Engineer" and "Sub-Divisional Officer" are meant the Superintending Engineer, Executive Engineer and Sub-Divisional Officer of the Canal concerned.
- (ii) by "Canal Officer" is meant a Canal Officer as defined in the Northern India Canal and Drainage Act (VIII of 1873).
- (iii) by the "Chak" of an outlet is meant the area allotted to that outlet for irrigation.
- (iv) by "Bhijua rice" or "early rice" is meant rice sown broad cast and irrigated before June 15.
- (v) by "Retua rice" or "late rice" is meant rice sown broad cast and irrigated after June 15.
- (vi) by "Canal water" is meant water taken directly or otherwise from any canal or channel maintained by Government.
- (vii) by "an occupier" is meant the person who is responsible under the Northern India Canal and Drainage Act for the payment of irrigation dues.

Rules

- (1) If canal water is taken into a chak between June 15 and October 15, for the irrigation of late rice, the whole area of rice within the chak which is unharvested on the day canal water is taken, or which is subsequently sown in that chak within the period specified, shall be assessed at the rates in force for rice irrigation; provided that any area of rice into which canal water cannot flow naturally from the outlet supplying water to the chak shall be exempted from assessment, unless it is proved that canal water has been artificially taken into that area.

- (2) If the occupiers concerned do not desire to take canal water into a chak for any purpose between June 15 and October 15, they shall adopt the following procedure:
- (a) They shall send a notice in writing by registered post to the Executive Engineer or Sub-Divisional Officer, intimating that they do not desire to take canal water for any purpose between June 15 and October 15. This notice must be sent in time to reach the officer addressed by June 7, and must give the following particulars: name of village, name of canal and number of mileage of the outlet, and
 - (b) they shall, before June 15, close the outlet out side the bank of the canal by means of a bund at least three feet wide at top and two feet above the full supply level in the canal and shall demolish a length of ten feet of the watercourse adjacent to the bund, and
 - (c) on receipt of a notice from the canal officer at any time during the irrigation period pointing out defects in the bund etc, closing the outlet they shall, within seven days remedy such defects and
 - (d) they shall be responsible for the maintenance of the bund during the period from June 15 to October 15,
- (3) If the occupiers concerned do not desire to take canal water into a chak for late rice irrigation, but desire to take canal water for sugarcane or any crop other than late rice between June 15, and October 15, they shall adopt the following procedure:
- (a) they shall send a registered notice in writing by registered post to the Executive Engineer or Sub-Divisional officer, intimating that they desire to take canal water into the chak for irrigation of a crop other than late rice between June 15 and October 15, but do not desire to take canal water for late rice. The notice must be sent in time to reach the officer addressed before June 7, and shall give full particulars as in rule 2(a), and
 - (b) they shall, before June 15, make bunds in the water-courses leading to the late rice area, and shall make all necessary bunds and drains and take all necessary steps to prevent canal water reaching the late rice area either directly or from fields being irrigated, and
 - (c) on receipt of a notice from the canal officer at any time during the irrigation period pointing out defects in the bunds, etc., closing the outlet, they shall within seven days remedy such defects, and
 - (d) they shall be responsible for the maintenance of the bunds during the period from June 15 to October 15.
- (4) If the occupiers concerned do not adopt the procedure laid down in rule 2 or rule 3 for any outlet, it will be presumed that the outlet remains open between June 15 and October 15, and that water has been taken into the chak for late rice irrigation.

- (5) If the chak of an outlet contains the whole or portions of two or more villages, each village or portion of a village will be considered as a separate chak within the main chak for the purposes of these rules, and the occupiers of each village must take action separately under rules 2 and 3. If the outlet has not been closed in accordance with rule 2, the occupiers of any village in the chak who do not desire to take water for late rice irrigation shall take all necessary steps to prevent canal water reaching their late rice area either directly or from an area taking canal water. If they fail to take such steps, the area of late rice will be liable to assessment.
- (6) It sometimes happens that canal water may reach a rice area in a chak of which the proper outlet has been closed in accordance with rule 2 or rule 3 from an adjoining rice area which is taking canal water. In such a case no assessment will be made on the rice area of the chak the outlet of which has been closed, but the canal officer shall have the right to take any steps which may seem desirable to prevent canal water reaching that chak.
- (7) If occupiers who have taken action under rule 2 or rule 3 subsequently desire to take canal water into the chak concerned for late rice irrigation, they shall send a registered notice to the Executive Engineer or sub Divisional Officer informing him of their desire to do so at least seven days before they desire to take canal water. The Executive Engineer or Sub-Divisional Officer may, if he considers that the water available for the canal concerned is insufficient to provide water for the area in addition to the areas already taking canal water, refuse to allow canal water to be taken, and shall inform the occupiers accordingly. If no such refusal is received by the occupiers, they may, after a lapse of seven days from the date of dispatching the notice, take water into the rice area. There upon the whole area of rice in the chak shall be assessed at the rates in force according to rule 1.
- (8) if the occupiers of the area irrigated from the tail water courses of canal do not desire to take canal water for the late rice irrigation, they shall take action according to rule 2 or 3. The canal officer will be responsible that an escape exists at or near the tail of the canal which can take all surplus water likely to arrive at the tail. If such escape does not exist and canal water reaches the late rice area of the tail chaks, in spite of the reasonable efforts of the occupiers concerned to prevent it, the area shall not be liable to assessment.
- (9) If a canal officer discovers that canal water has been or is being taken into a late rice area, regarding which the occupiers have taken action under rule 2 or rule 3, but have not sent a registered notice according to rule 7, or regarding which they have sent a registered notice according to rule 7 but have been refused permission to take canal water, he shall draw the attention of some of the occupiers to the fact that canal water is being or has been taken, and shall obtain from them an acknowledgement of this in writing, and shall, if the occupiers refuse to give the acknowledgement, the canal officer shall endeavor to obtain evidence of the fact in writing from independent witnesses. If the canal officer is a patrol amin or subordinate, he shall make an immediate report to the ziladar, who shall investigate the case at site without delay and at the latest within fifteen days, and submit a report to the Sub-Divisional Officer or Executive

Engineer respectively. The report shall give full particulars and any explanation given by the occupiers. The Executive Engineer shall decide on the merits of the case whether the area in question is to be assessed, and shall be guided by the principle that if the occupiers are not to blame, and take immediate steps to prevent canal water reaching the area, no rates shall be assessed. If the investigation proves that the occupiers are taking canal water into the rice area without having sent the notice under rule 7, or in spite of a refusal of permission to take water under this rule, the Executive Engineer may impose a rate up to twice the normal rate on the area.

- (10) The Executive Engineer may, on the request of the occupiers concerned or on his own initiative, sub divide any chak into two or more smaller chaks, called sub-chaks, provided that each such sub chak shall have well defined boundaries and that the arrangement will be such that canal water can be prevented from reaching any such sub-chak when it is being taken into another sub-chak. Each sub-chak will then be considered separately, and rule 5 shall apply as if each sub-chak were a separate village. Action under this rule will ordinarily only be taken in the case of large chaks.
- (11) The Superintending Engineer may, in any year, if he thinks fit, order that on any canal or group of canals any particular kind of rice may be exempted from assessment if canal water is taken after a fixed date not before September 15.
- (12) All complaints in connection with matters dealt within these rules should be addressed to the Executive Engineer or Sub-Divisional Officer, and will be duly inquired into according to the ordinary procedure under the Canal Act.

Section 75

- 33. **Schedules of rates to be accessible to villagers-** The patwari of every village irrigated by canals shall be furnished by the Divisional Canal Officer with a statement in the current written language of the district, showing the rates of assessment of each class of crop according to the ordinary local and canal standards of measurements, which statement shall be suspended in the chaupal or other public resort in the village.

Section 37

- 34. **Assessment of owner's rate-** The owner's rate shall be assessed by the Divisional Canal Officer at the rates specified in the rules for the time being in force and notified by the local Government in accordance with section 75 of the said Act, on all fields in respect of which land revenue was assessed at "dry" rates at the time of the last settlement.

Section 37

- 35. **Charges to be excluded in assessing owner's rate-** No portion of –
 - (a) any additional charge imposed under rule 19 (second clause), or 25;
 - (b) any charge imposed on uncultivated land or of the amount by which the charges on

cultivated land exceed the ordinary charge leviable on such land in the case of charges under rule 31;

- (c) any charge imposed under rule 10, or the second clause of rule 29;
shall be included in the occupier's rate for the purpose of assessing the owner's rate.

Section 75

- 36. Appeals against the assessment of owner's rate-** Appeals against the assessment of owner's rate shall be subject to the following rules:

- (1) An appeal against the assessment of owner's rate by the Canal Officer shall lie to the Collector; provided it is brought within 30 days from the date of the receipt by the owner of the notice of the assessment by the Canal Officer.
- (2) Where the sum assessed on an individual exceeds Rs. 300, an appeal shall lie to the commissioner from the order of the Collector, provided that such appeal be presented within 30 days from the date of the order appealed against. Where the sum assessed is less than Rs 300, the Collector may, on application made, review any order previously passed by him.
- (3) In computing the period prescribed for an appeal under these rules, the day on which the notice of the assessment was received, or on which the order complained of was pronounced, and the time requisite for obtaining a copy of such order, shall be excluded.
- (4) The grounds on which an appeal may be preferred shall be as follows:
 - (i) that any particular field or portion of a field is not liable to the rate, i.e., that it was assessed at wet rates at last settlement;
 - (ii) that the assessment exceeds one-third of the occupier's rate;
 - (iii) that it exceeds the sum which under the law for the time being in force for the assessment of land revenue could be assessed on the land in question on account of the increase in the annual value or produce thereof resulting from canal irrigation.
 - (iv) that the appellant is not liable for the rate assessed.

Section 75

- 37. Notice of measurements to be sent to the Tahsildars-** Ten day's previous notice shall be sent to the Tahsildars of the dates on which the patwaris are required in the village to assist in the final measurements, as laid down in rule 52.
- 38. Tahsildars responsible for attendance of patwaris-** Tahsildars, on receipt of notice, will be responsible for the attendance of patwaris during the time they are required.

Section 75

39. **Preparation of khatauni or demand statement-** On the completion of measurements of a village, the amin before leaving it shall prepare from the Khasra Shudkar a Khatauni in which all the entries concerning each cultivator will be brought together and totalled. A copy of the Khatauni will be forthwith prepared by the patwari (in forms to be furnished by the Canal Officer) in the current written language and signed by the amin.

Section 75

40. **Khatauni to be accessible to cultivators-** The patwari shall be responsible for the village copy of the khatauni being at all times accessible to any person who pays water-rate.

Section 75

41. **Distribution of parchas-** A parcha or slip containing particulars of the rate due from him shall be supplied to each cultivator. On entering a village for the purpose of finally measuring up irrigation, the amin shall inform the lambardar or his agent of the day on which parchas will be distributed, and shall, at the same time, cause a written notice of the same to be posted in the village chaupal. The lambardar will call upon the cultivators to attend and receive the parchas from the amin. Undistributed parchas will be entrusted to the lambardars of the village, or, in their absence, to the patwari for delivery to the cultivators concerned. The amin will enter the date of distribution on every parcha, and if it is given to any one but the cultivator concerned, he will note to whom it is given.
42. **Dates for submission of jamabandis -** The Divisional Canal Officer shall forward the jamabandis to the Tahsildars concerned and simultaneously send to the Collector an intimation of the date of their dispatch and of the total amount to be collected in each village or mahal. With each batch of jamabandis dispatched to the tahsil shall be sent two copies of the warrant. One copy of the warrant will be retained by the Tahsildar and the other sent to the Collector's office, as soon as the lambardars' signatures have been obtained thereon.

The jamabandis should be dispatched from the divisional offices at least three days earlier than the dates noted below:

Division	District	Kharif	Rabi
Meerut	Dehra Dun	November 15	May 1
	Saharanpur	Ditto	Do
	Muzaffarnagar	Ditto	Do
	Meerut	November 1	Do
	Bulandshahr	Ditto	Do
Agra	Aligarh	Ditto	Do
	Muttra	November 15	Do
	Agra	November 1	Do
	Mainpuri	Ditto	Do
	Etah	Ditto	Do
* Vide correction slip No. 262	Bareilly	November 15* ----- December 1	Do
	Bijnor	November 15* ----- December 1	Do
Rohilkhand Lucknow	Pilibhit	December 1*	Do
	Shahjahanpur	Ditto	Do
	Moradabad	November 1	Do
	Hardoi	December 1	Do
	Sitapur	Ditto	Do

Division	District	Kharif	Rabi
Lucknow	Rae Bareli	Ditto	Do
	Lucknow	Ditto	Do
	Unao	Ditto	Do
	Kheri	Ditto	Do
Fyzabad	Bara Banki	Ditto	Do
	Fyzabad (standing order No. 29)	Ditto	Do
Allahabad *Vide Standing Order No. 215	Farrukhabad	November 1	Do
	Etawah	Ditto	Do
	Cawnpore	Ditto	Do
	Fatehpur	Ditto	April 15*
	Allahabad	December 1*	May 1*
Jhansi	Jhansi	October 15	April 15*
	Jalaun	Ditto	Do
	Hamirpur	Ditto	Do
	Banda	December 1	Do
Benaras	Mirzapur	Ditto	Do
Kumaun	Naini Tal	Ditto	May 1

**STANDING ORDER TO THE IRRIGATION MANUAL
OF ORDERS (VOL. II, 4th EDITION)**

STANDING ORDER TO THE IRRIGATION MANUAL OF ORDERS (Volume II, 4th Edition)

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STANDING ORDER TO THE IRRIGATION MANUAL OF ORDERS,

Volume II. (4th Edition)

Standing Order No. 29

In the table of dates for submission of Canal Jamabandis, appended to paragraph 153 (42) of the Irrigation Manual of Orders, Volume II, 4th edition :

- (i) Substitute the following for the existing entries in the Kharif and Rabi columns against the Moradabad District of the Rohilkhand Division:

Kharif	Rabi
November 1	
November 15*	May 1.

- (ii) Add the following in the columns shown against the Rohilkhand Division:

District	Kharif	Rabi
Budaun	November 15*	May 1

- (iii) Add the following in the columns shown against the Fyzabad Division :

District	Kharif	Rabi
Fyzabad	December 1.	May 1.

- (iv) Add the following footnote at the end of the table:-

* For tubewell jamabandis only.

Dated October 26, 1937.

Correction slip to the Irrigation Manual of Orders, Volume II (4th Edition)

Standing Order No. 269

In the table of dates for submission of Canal Jamabandis, appended to paragraph 153 (42), of the Irrigation Manual of Orders, Volume II (4th, edition) as amended by Standing Order No. 29, dated October 26, 1937.

Delete the asterisks (**) marked over the dates mentioned against Fyzabad District.

Correction Slip to The Irrigation Manual of Orders Volume II, (4th, Edition)

Standing Order No. 262

In table of dates for submission of Canal Jamabandis, appended to paragraphs 153 (42) and 156B (42) of the Irrigation Manual of Orders, Volume II (4th Edition):

- (i) Insert "November 15*" in the column under Kharif against the Rohilkhand Division above the date, "December 1" as shown below:

<u>District</u>	<u>Kharif</u>
Bareilly	November 15 * December 1
Bijnor	November 15 * December 1

- (ii) Substitute "December 1" for "Ditto" under Kharif against Rohilkhand Division- Pilibhit District.
- (iii) Substitute "November 15" for "December 1" under Kharif against Rohilkhand Division- Budaun District.

Dated August 17, 1944.

Correction Slip to the Irrigation Manual of Orders Volume II, (4th Edition)

Standing Order No. 215

In the table of dates for submission of canal Jamabandis, appended to paragraph 153(42) and 156B (42) of the Irrigation Manual of Order, Volume II, (4th Edition):

- (i) Add the following in the columns shown against the Fyzabad Division:

<u>District</u>	<u>Kharif</u>	<u>Rabi</u>
Partapgarh	December 1	May 1
Sultanpur	December 1	May 1

- (ii) Substitute the following for the existing entries in the Kharif and rabi columns against Allahabad district of the Allahabad Division:

<u>Kharif</u>	<u>Rabi</u>
December 1	May 1.

Dated July 31, 1943.

Section 45

43. **Realization of occupier's rate-** The Collector shall realize the rate as assessed by the Divisional Canal Officer.

Section 75

44. **Complaints against Khasra entries-** If a cultivator desires to contest the correctness of the entries made against him in the jamabandis, whether as to the fact of the land having been irrigated or of its being charged "flow" or "lift", or as to the measurement and entries of class or crop, he must lodge a complaint with one of the following officers:

Divisional Canal Officer.

Canal Deputy Revenue Officer:

Sub-Divisional Officer

Canal Ziladar,

Within thirty days of the date on which the parchas were distributed on the completion of the measurement of the village, or if he has been charged without having done any irrigation from the canal during the fasl, within twenty-one days of the date on which he first became acquainted with the claim against him, and the complaint shall be investigated on the spot within fifteen days of its being lodged, and shall be promptly decided by one of the first three officers mentioned above.

On a complaint being presented to a ziladar, he will immediately make local inquiry, and will report the circumstances of the case to the Canal Deputy Revenue Officer or, where there is no Canal Deputy Revenue Office, to the Sub-Divisional Officer for orders.

In respect of cases disposed of by the Sub-Divisional Canal Officer or Canal Deputy Revenue Officer, an appeal shall lie within fifteen days to the Divisional Canal Officer, whose decision shall be final.

Section 75

45. **Disputed liability to assessment to occupier's rate-** When the liability of assessment to occupier's rate is contested on the ground that the water for which the charge has been made was not derived from a canal as defined in clause (1), section 3 of the said Act, the complaint shall be investigated by the Divisional Canal Officer, who may decide in favour of the complainant, or, if he does not consider such complaint valid, forward to the Collector a copy of the order he proposes to pass thereon.

If the Collector concurs with the proposed order, such order shall be final. If the Collector does not concur with the proposed order, he shall refer the case to the Commissioner whose decision shall be final.

Section 75

46. **Objection on behalf of cultivators-** When a Lambardar or other person is responsible, under sections, 46 and 47 of the said Act, for the payment of the occupier's rates in a village, or any portion of a village, complaints under rules 44 and 45 may be lodged by such lambardar or other person instead of by the cultivators and any refund that may be necessary in consequence of the order passed upon objection so lodged shall be paid to such lambardar or other person.

Section 75

47. **Receipts-** Receipts shall, when demanded, be given by the lambardar to each cultivator on payment of occupier's rate, and shall be countersigned by the patwari.

Section 75

48. **Method of dealing with alterations in the demand-** If after the distribution of the parchas, any additions are made to the demand, or any reductions are allowed on complaint under rule 44 or 45, or by way of remission under clause (b), section 32 of the said Act, or under the second clause of rule 28, or otherwise, such additions or reductions shall be communicated to the cultivator by means of supplementary parchas. Demands shall be shown on slips printed in black, and remissions on red forms. All such alterations as are made before the dispatch of the jamabandis to the Collector shall be shown in that document, and shall also be written on slips similarly printed (black for additions and red for reduction), and attached to it. Alterations made after the dispatch of the Khatauni shall be communicated to the Tahsildar by means of similar slips.

Section 75

49. **Objections to the demand made to Collector-** Objections to the demand urged before the Collector shall be referred by him to the Divisional Canal Officer, the collection, except in the cases provided for in rule 45, not being suspended unless the Divisional Canal Officer shall notify that an objection has been admitted.

Section 47 and 75

50. **Irrecoverable balances-** Balances irrecoverable owing to want of assets, absconding of defaulters or any other such cause unconnected with canal management, and claims to refunds on account of excessive collections shall be dealt with by the Collector in accordance with the instructions laid down by the Board of Revenue. This rule applies also to cases in which the lambardars have paid to Government the whole of the canal dues, and have subsequently found a portion of them to be irrecoverable from the tenants.

Section 75

51. **Payment of refunds-** In all cases payments of refunds of occupier's or owner's rate shall be made by the Collector.

Section 75

52. **Patwari's fees-** Patwaris will be paid at the rate of ten annas for every 100 acres of land irrigated.

They shall be required-

- (1) to be present in the village during the completion of final measurements.

- (2) To furnish the canal amin with names of proprietors, tenants, etc. which the amin may require to complete his record, and to settle any doubtful points by a joint local inquiry on the spot.
- (3) To take an abstract of the jamabandi as required by rule 42.

This payment will be conditional on their affording satisfaction to the Divisional Canal Officer as regards the performance of the duties mentioned above.

Section 47

53. **Lambardar's fees-** An allowance shall be made to lambardars, or other persons under engagement for collecting the rates, of Rs. 4-11-0 per cent or 9 pies per rupee. It is payable on the canal revenue due upon the jamabandis entrusted to them, provided that the canal revenue due is paid in full within 90 days of the receipt of the jamabandis. Canal dues shall become realisable 30 days after the receipt of the jamabandis by the lambardars.

Navigation

Section 75 (4)

* No navigation is permitted on the Agra Canal (I.B. notification No. 1376-1, dt. March 23, 1904.)

54. **Tolls-** When a canal shall have been declared by the local government open for navigation, tolls and charges on boats and rafts plying thereon shall be levied under such regulations as to variation of beam or burden, and at such rates as shall be from time to time determined by the local government with the approval of the Government of India in accordance with section 75 of the said Act.

Section 49

55. **Ferries-** Ferry boats shall not be permitted to ply on a canal except under a written licence in the form contained in appendix II from the Divisional Canal Officer, and subject to conditions therein laid down.

Section 49

56. **Measurement** – Every boat or raft entering a canal shall be liable to measurement, for the purpose of ascertaining the amount of toll such boat or raft shall pay, according to the rates determined as prescribed in rule 54.

Section 49

57. **Number** – The Executive Engineer, Northern Division, Ganges canal, or person duly authorized on this behalf shall assign to every boat, at the time of first measurement, a serial number, by which it shall be distinguished while plying on the canal. The number shall be marked on the port or left hand bow of the boat, and shall not be less than eight inches in height, and shall be of such a colour as to be easily distinguishable at a distance of one hundred yards.

Section 49

58. **Ticket** – Every boat on entering a canal shall be furnished by the Divisional Canal Officer or person duly authorized in this behalf with a ticket in the form contained in appendix III which shall specify the number of the boat, the date on which it entered the canal, the name, occupation and place of abode of its owner and the name of the person in charge of the boat for the time being. The Divisional Canal Officer or person duly authorized in this behalf shall, before the boat leaves the canal, return the ticket to the person for the time being in charge, after entering thereon the date of leaving.

Section 49

59. **Dimensions**- No boat above fourteen feet and six inches beam over all shall be allowed in a canal on which the locks are sixteen feet in width, and no boat above eighteen feet beam over all in a canal on which the locks are twenty feet in width. No raft of more than fourteen feet in width and ninety feet in length shall be allowed on any canal, the locks of which are sixteen feet in width; and no raft of more than eighteen feet in width and one hundred feet in length shall be allowed in a canal, the locks of which are twenty feet in width.

Section 49

60. **Tolls payable in advance**- Canal dues shall be paid in advance, and no boat shall be allowed to leave any canal on which it is plying until all such tolls have been paid. The Divisional Canal Officer or person duly authorized in this behalf, on granting permission for the removal of the boat, shall sign the certificate at the foot of the ticket given under rule 58 after satisfying himself that all claims against the boat have been paid.

Note : Canal boats employed on canal works are exempt from toll (Vide Government of India, Public works department No. 44A-1, dated May 1, 1895).

Section 75

61. **Receipt for tolls**- Toll shall be paid to the Divisional Canal Officer or person duly authorized in this behalf at any of the toll stations, and a receipt in the form contained in appendix IV shall be granted for the same.

Section 75

62. **Pass for boats**- Upon any boat plying on a canal being loaded wholly or in part, the owner or other person in charge shall declare to the Divisional Canal Officer or person duly authorized in this behalf at the place of loading (or, in the absence of the Divisional Canal Officer or such authorized person at the place of loading, at the first station he may pass) an invoice of the cargo there taken in, showing its nature, weight, value and destination. The Divisional Canal Officer or person duly authorized in this behalf, shall thereupon furnish the owner or person in charge with a pass in the form contained in appendix V, specifying the foregoing particulars, which pass shall be delivered to the person authorized to receive the same at the station

nearest to the place at which the boat is unloaded.

Section 75

63. **Pass to be shown when required**— The person in charge of a boat shall show the pass granted under rules 62 whenever he is required to do so by the Divisional Canal Officer or any person authorized in this behalf.

Section 75

64. **Every boat or raft to be navigated by two persons**— No boat or raft shall be navigated by less than two persons.

Section 49

65. **Pass for rafts**— Passes in the form shown in appendix VI shall be granted to persons wishing to float rafts down a canal, upon application to the Divisional Canal Officer or person authorized at the nearest station. No raft unprovided with a pass shall enter a canal.

Section 75

66. **Removal of rafts from canal**— On reaching the destination specified in the pass, the person in charge of a raft shall, within twenty-four hours, deliver the said pass to the Divisional Canal Officer or person authorized in this behalf, who, if all charges due under these rules have been paid, shall authorize the removal of the raft, which shall be affected within forty eight hours from the time of permission being granted unless written authority to defer removal be given by the Divisional Canal Officer or such authorized person.

Section 49

67. **Divisional Canal Officer empowered to remove rafts**— Rafts not removed within the time required by rule 66, and rafts found unattended, may be taken out of the water by the Divisional Canal Officer or any person duly authorized in this behalf.

Section 50

68. **Rafts without passes**— Any raft found in a canal unprotected by a pass may be charged with double toll, reckoned on the distance from the head of the canal to the place where such raft shall be removed from the canal.

Section 75

69. **Double rates to be charged for excess over quantity shown in pass**— Double rates shall be leviable on all articles in excess of the quantity of each kind specified in the pass granted under rules 62 and 65.

Section 49

70. **Removal of rafts lodging against canal works**— Every person floating a raft in a canal shall so navigate it that it shall not lodge against any canal works; and if any raft so lodges or

causes obstruction, it shall at once be broken up and removed by any Canal Officer on the spot.

Section 51 and 52

71. **Rafts liable to detention-** All rafts, subject to demands under section 51 and 52 of the said Act, shall be liable to detention until such demands are paid. If payment be not made within fourteen days of such detention, the Divisional Canal Officer may proceed to put in force the provision of part VI of the said Act for the recovery of such demand.

Section 49

72. **Masts-** Boats shall have their masts fitted so that they can be let down with ease and speed and no mast shall be so fitted as, when so let down, to strike or scrape any bridge under which the boat may pass.

Section 49

73. **Boats and rafts to be fastened fore- and-aft –** Every boat or raft which is brought alongside of a canal bank or wharf must be securely fastened fore-and aft to such bank or wharf; no boat or raft shall be brought up outside another so moored without the permission of Divisional Canal Officer or some person authorized by him in this behalf.

Section 49

74. **Boats and rafts to be moored so as not to obstruct traffic –** No boat or raft shall be placed in such a position as to endanger the safety of other boats or rafts or to obstruct their passage or to impede navigation; and no bamboos or poles shall be erected on vessels moored to the bank.

Section 49

75. **Every boat or raft when brought to, to have some one on board-** Whenever a boat or raft is brought to, some person shall remain in attendance on board.

Section 49

76. **Wrecks –** When any boat or raft is wholly or partially sunken or disabled in any canal, the owner or other person in charge of such boat or raft shall remove the same without delay. Should the owner or the person in charge not be forthcoming, or should he refuse to remove the boat or raft, or should he not use reasonable expedition in removing the boat or raft, then the Divisional Canal Officer or other person duly authorized in this behalf may undertake the removal under section 49 of the said Act.

Section 75

77. **Banks or berms not to be used as wharves-** The banks or berms of the canal shall not be used as wharves for deposit of goods, except with the permission of the Divisional Canal Officer or some person authorized in this behalf.

Any person violating this rule shall be liable to a penalty.

Section 75

78. **Goods to be removed from canal lands** – All goods shall be removed from canal lands within seven days, unless the written permission of the Divisional or Sub-Divisional Canal Officer be obtained to their remaining longer. All goods deposited on canal lands must be properly stacked, and so placed as not to interfere with other traffic. In the event of such goods not being removed when required, a daily charge of eight annas per hundred maunds shall be levied as demurrage, when the goods are susceptible of being reckoned by weight, and a reasonable charge shall be determined by such Canal officer when the goods are reckoned by number. This rule does not apply to canal warehouses, for which special rules will be framed by the local Government.

Section 75

79. **Boats or rafts liable to be examined** – Any boat or raft plying on a canal may be examined by any canal officer of rank not inferior to a Sub-Divisional Officer, or other person duly authorized in this behalf, provided that there is reason to believe that the owner or person incharge thereof is attempting to violate any rules under this part.

Section 75

80. **Canal closures** – No claim for compensation to any owner or person in charge of any boat or raft navigating the canal shall be created by unavoidable detention resulting from the closure of the canal, or from the depth of water being at any time unavoidably reduced, or from the failure of any weir, lock, bridge, or other work in the canal bed.

Section 54

81. **Vessel, etc., abandoned**- If any vessel be found abandoned in a canal, or any cargo or goods carried in a government vessel on a canal, or stored in lands or warehouses occupied for the purposes of a canal, be left unclaimed for a period of two months, the Divisional Canal Officer shall take possession of the same. The officer so taking possession shall publish a notice (appendix VII) in the government gazette; and if the vessel and its contents or cargo or goods referred to in the notice are not claimed within thirty days from the date of the notice, shall direct the property to be sold. On receipt of the proceeds of sale, the Divisional Canal Officer shall credit the amount of charges due, if the net amount realized exceeds the amount of charges, and shall pay the balance to the owner of the boat or its contents, or of the cargo or goods, as soon as the ownership is established to the satisfaction of the Canal Officer; or to the District Treasury if no ownership is established to the Divisional Canal Officers' satisfaction, within the period of one month from the date of sale. If the net proceeds of the sale are less than the amount of charges due, the whole net proceeds shall be credited to the navigation revenue.

Miscellaneous

Section 70 (II)

82. **Prohibition against passing on or across canal works** — No person shall, without the permission in writing of the Divisional Canal Officer, pass or cause any animal or vehicle to pass, on or across any of the works, banks or channels of a canal or drainage work, after he has been desired to resist therefrom, excepting upon such bridges, fords, and ferries, and their approaches, as are provided for public use.

A person who passes, or causes any animal or vehicle to pass, on or across any work, bank or channel of canal or drainage work, in contravention of a notice in English, Urdu and Hindi displayed at the junction of a public road with such work, bank or channel, shall be presumed to have been desired to desist therefrom within the meaning of section 70(11) of the said Act.

83. **Prohibition against killing, catching or angling for fish in a canal** — No person shall, without the permission in writing of the Divisional Canal Officer, kill, catch or angle for fish in any canal, tank or reservoir under the control of, or in any river within two furlongs of any weir, dam or barrage maintained by the Irrigation Department, United provinces. The Divisional Canal Officer may attach to a permit to fish any condition which he considers necessary and may also levy fees which shall not exceed—

- (1) Rupees ten for an annual permit commencing from 1st October or subsequent date of issue to 30th September in the following year, or
- (2) Rupee one for a permit for one day commencing from 6 a.m. to 8 p.m. of the same day.

No annual permit holder or daily permit-holder shall be permitted to fish between the hours of 8 p.m. and 6 a.m.

Any breach of this rule shall be punishable under section 70(12) of the Act with a fine not exceeding Rs. 50 or with imprisonment not exceeding one month, or both.

Section 75

84. **Persons employed on canals not to have an interest in the distribution of water, etc:—** No person employed on a canal shall, without previous sanction obtained from the Divisional Canal Officer, have any interest in the use or distribution of water from the said canal, or purchase, or bid either in his own name or in the name of another, or separately or in partnership with others, for any property sold by or on behalf of Government thereon.

- 84-A **Rules to regulate Kadim irrigation from the Barwasagar lakes and canals in the Jhansi district.**

- I- All cultivators holding land irrigated from the Barwasagar lake and possessing the rights known as haq-i-kadim irrigation rights, which are admitted and recorded as such in the land settlement records of the Jhansi District, shall be entitled, subject to the rules hereby prescribed and to the conditions, if any laid down in the records aforesaid, to water for irrigation purposes free of

charge from the outlets or openings of channels provided or authorized by Government and being of sufficient dimension for irrigation purpose, and from no other outlets, opening or cuts.

II- The outlets, openings and channels provided under the preceding rule may be used at any time when the canal from which they are supplied is running subject, however, to any restriction which the Divisional Canal Officer may from time to time and with due notice impose in order to regulate the proper distribution of water.

III- The Divisional Canal Officer may not stop the supply of water to any water course or to any person except in following cases:

- (i) Whenever and so long as it is necessary to stop such supply for the purpose of executing any work ordered by competent authority and with the previous sanction of the local Government.
- (ii) Whenever and so long as any water course is not maintained in such proper customary repair as to prevent the wasteful escape of water there from.
- (iii) Except as provided in sub clause (ii) of this paragraph and in rule VI no outlet shall be closed for a longer period than eight days.

IV- The Government shall not be liable for compensation for loss due to the failure or stoppage of water in the canal from any cause beyond their control or resulting from the undertaking of any repairs, alterations, or additions to the canal or of any measures for regulating the proper flow of water therein or for maintaining the established course of irrigation which the Divisional Canal Officer may consider necessary.

V If the supply of water to any land entitled to free irrigation be interrupted otherwise than in the manner described under rule IV above, the occupier or owner of such land may present a petition to the Collector for any loss arising from such interruption and the Collector may award to the petitioner reasonable compensation for such loss.

VI- Stoppage of supply of water to any water course under rule III (ii) above may be enforced when the canal officer recommending such stoppage has satisfied himself by personal inspection that the water course is not maintained in proper repair as contemplated in clause (ii) of rule III above. The order for such stoppage shall be in writing under the hand of the Divisional Canal Officer. Immediate report shall be made to the Collector when the duration of such stoppage is likely to extend to a period of 30 days or more, the special grounds for stoppage being explained in each case.

VII- Any person who opens an outlet or takes or uses water at any time during which the supply has been stopped by the Divisional Canal Officer under these rules shall be liable to a penalty under section 70 of the Northern India Canal And Drainage Act, 1873.

- VIII- The irrigation branch shall, in future, be responsible for the maintenance of all portions of the canal and its branches for which the proprietors have hitherto been responsible. In return the proprietors having Kadim rights, shall pay to the Divisional Canal Officer an annual fixed sum of Rs. 150/-. The amount will be realized from the proprietors of Barwasagar, Sanora, a and Nohatchir villages according to their shares as arrears of land revenue beginning from the year 1939 Fasli.

84 B Rules to regulate Kadim irrigation from the Kachneo lake and canal in the Jhansi district.

- (1) All cultivators holding land irrigated from the Kachneo lake and possessing the rights known as haq-i-kadim irrigation rights which are admitted and recorded as such in the land settlement records of the Jhansi District, shall be entitled, subject to the rules hereby prescribed and to the conditions if any, laid down in the records aforesaid, to water for irrigation purposes free of charge from the outlets or openings or channels provided or authorized by Government and being of sufficient dimension for irrigation purposes, and from no other outlets, openings or cuts.
- (2) The outlets, openings, and channels provided under the preceding rule may be used at any time when the canal from which they are supplied is running subject, however, to any restriction which the Divisional Canal Officer may from time to time and with due notice impose in order to regulate the proper distribution of water.
- (3) The Divisional Canal officer may not stop the supply of water to any water course or to any person except in the following cases:
 - (i) Whenever and so long as it is necessary to stop such supply for the purpose of executing any work ordered by competent authority and with the previous sanction of the local government.
 - (ii) Whenever and so long as any water course is not maintained in such proper customary repair as to prevent the wasteful escape of water there from.
 - (iii) Within periods fixed from time to time by the Divisional Canal Officer.
- (4) No claim can be made against the Government for compensation in respect of loss caused by the failure or stoppage of water in the canal, by reason of any cause beyond the control of the Government or of any repairs, alterations or additions to the canal or of any measures taken for regulating the proper flow of water therein or for maintaining the established course of irrigation, which the Divisional Canal Officer considers necessary.
- (5) If the supply of water to any land entitled to free irrigation be interrupted otherwise than in the manner described under rule 4 above the occupier or owner of such land may present a petition to the Collector for any loss arising from such interruption and the Collector may award to the petitioner reasonable compensation for such loss.

- (6) Stoppage of supply of water to any water-course under rule 3(ii) above may be enforced when the Canal officer recommending such stoppage has satisfied himself by personal inspection that the water-course is not maintained in proper repair as contemplated in clause(ii) of rule 3 above. The order for such stoppage shall be in writing under the hand of the Divisional Canal Officer. Immediate report shall be made to the Collector when the duration of such stoppage is likely to extend to the period of thirty days or more, the special grounds for stoppage being explained in each case.
- (7) Any person who opens an outlet or takes or uses water at any time during which the supply has been stopped by the Divisional Canal Officer under these rules shall be liable to a penalty- under section 70 of the Northern India Canal And Drainage Act 1873.
- (8) The Irrigation Branch shall, in future, be responsible for the maintenance of all portions of the canal and its branches, for which the zamindars have hitherto been responsible. In return the zamindars having kadim rights shall pay to the Divisional Canal Officer an annual fixed sum of Rs. 60/-. The amount will be realized from the lambarbars of the mahals of Kachneo according to their shares as arrears of land revenue beginning from the year 1337 Fasli.

Appeals

Section 75 (2)

85. An appeal shall lie to the Divisional Canal Officer from any executive order passed by a Sub Divisional Canal Officer or Canal Deputy Revenue Officer and to the Superintending Canal Officer from any original executive order passed by the Divisional Canal Officer.

Section 75 (2)

86. An appeal shall lie to the Superintending Canal Officer from any order passed by the Divisional Canal Officer under rules 4, 6, 14 (b) and 17.

Section 75 (2)

87. No appeal under rule 85 shall be brought after the expiration of 15 days from the date of the order complained. No appeal under rule 86 shall be brought after the expiration of 30 days from the date of the order complained of.

Section 75 (2)

88. In computing the period prescribed for an appeal under these rules, the day on which the order complained of was pronounced, and the time requisite for obtaining a copy of such order, shall be excluded.

Section 75 (2)

89. Any appeal under these rules may be admitted after the period of limitation prescribed therefor, when the appellant satisfies the officer to whom he appeals that he had sufficient cause for not

presenting the appeal within such period.

No appeal shall lie against an order under this rule admitting an appeal.

Section 75 (5)

90. The local Government may at any time call for any case which has come before a Commissioner or Collector or a Superintending or Divisional Canal Officer, and pass such orders thereon, consistent with the Act and the rules made there-under, as may seem proper.

Irrigation Outside The United Provinces

Section 75

91. **Rules applicable to the Agra Canal in the Delhi and Gurgaon districts-** The foregoing rules shall also be applicable to the Agra Canal so far it is situated in the Delhi and Gurgaon districts of the Delhi and the Punjab provinces, except that for rules 39, 42 and 50 to 53, the following Punjab rules shall be substituted:

Punjab rule 38- Preparation of Khatauni or demand statement- On the completion of measurements of a village, the amin before leaving it shall prepare from the Khasra shudhar a khatauni, in which all the entries concerning each cultivator will be brought together and totalled. The khataunis should be prepared not one for each village or mauza, but one for each patti or for each lambardar's division of a village. A copy of the khatauni will be forthwith prepared by the patwari (in forms to be furnished by the Canal Officer) in the current written language, and signed by the amin.

Punjab rule 41. – Dates for submission of jamabandis-The khataunis for the Kharif and Rabi seasons should be dispatched by the Divisional Canal Officer to the Tahsildar so as to reach his office not later than November 15 and May 15, respectively. With each batch of khataunis should be sent warrants in Form II, and simultaneously with the dispatch of the khataunis to the tahsil, the Divisional Canal Officer will forward copies of the warrants in Form II to the Collector.

Punjab rule 49- Irrecoverable balances- Balances irrecoverable owing to want of assets, absconding defaulters, or any other such cause unconnected with canal management, and claims to refunds on account of excess collections, shall be dealt with by the Deputy Commissioner whose order thereon shall be final. This rule applies also to cases in which the lambardars have paid to government the whole of the canal dues and have subsequently found a portion of them to be irrecoverable from the tenants.

Punjab rule 50- Payment of refunds- Payment of refunds whether ordered by the Deputy Commissioner, or directed by the Divisional Canal Officer, or Government, shall be made by the Deputy Commissioner, who will carefully note such payments as they are made, in abstract B at foot of Canal Revenue Form No. VI, quoting proper authority in each case.

Punjab rule 51.- Patwari's fees- patwaris will be paid at the rate of Rs.1-4-0 for every 100 acres of land irrigated. This payment will be conditional on their affording satisfaction to the Divisional Canal Officer in respect to their duties in connection with the measurement and assessments, and to the Deputy Commissioner in respect to their duties connected with the collection of canal revenue.

Punjab rule 52- Lambardar's fees- The collection of occupier's and owner's rates should be made with the utmost promptitude. The allowance to Lambardars or other persons under engagement for the collection of the rates is Rs. 4-11-0 per cent. or 9 pies per rupee. It is payable on discharge in full of the amount of revenue due upon the khataunis entrusted to them on or before February 15 and July 15 in the case of the Kharif and Rabi demand respectively. The Deputy Commissioner should invariably note at the foot of part B of Canal Revenue Form No. VI whether any portion of the sums shown as payment to Lambardars has been passed for revenue paid in after the prescribed date.

Powers of an Officer in charge of an independent Sub-division

92. For the purpose of these rules, an officer in charge of an independent sub-division shall exercise the powers of a divisional officer

APPENDIX I

Application for water course from canal, village, . . .

Pargana district

For Crops of 19

- | | | |
|-----|---|---|
| 1. | Name of applicant. | |
| 2. | Name of supply channel. | |
| 3. | Proposed site of new outlet. | |
| 4. | Approximate area of land to be irrigated. | |
| 5. | Number of pipes required. | |
| 6. | Irrigation by overflow or lift. | |
| 7. | Approximate length of water course. | |
| 8. | Names of owners of lands to be traversed by water course. | |
| 9. | Land irrigable from existing outlet or not. | |
| 10. | Number and names of intending shareholders (if any) in the outlet applied for. | |
| 11. | Number of outlets now in supply channel | (Right bank)
(Left Bank) |
| 12. | Width of bank, including slope and pathway. | |
| 13. | Number of outlets now allotted to village. | |
| 14. | Culturable area | Whole village.
Applicant's lands. |
| 15. | Area already provided with irrigation | Whole village
In applicant's holding |
| 16. | Statements required by section 21 of the Northern India Canal and Drainage Act, 1873, in the case of an application under that section. | |

N. B.—Columns 11 to 15 to be filled in by Canal Officer.

Appendix II

Licence for ferry boat or raft.

Canal

Position of ferry.

Dimensions of boat or raft.

Name of person to whom licence is granted.

Period for which licence is granted.

Tolls leviable at ferry.

Conditions.

Any licence may be rescinded if tolls be levied in excess of those mentioned above, or if the boat or raft be not maintained in proper working condition, or if delays or obstructions to travellers occur, or for other fault, which, in the judgement of the Canal Officer, demands it. Appeals against the orders of the Canal Officer shall lie to the Superintending Canal Officer.

Station and date

Sd/ A. B.

Exe Engr.

Division.

U.P LAND REVENUE ACT III (1901)

U.P. LAND REVENUE ACT III (1901)
Chapter II (Appointments and Jurisdiction)
Controlling powers of State Govt. and Board respectively

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U.P. LAND REVENUE ACT III (1901)

Chapter II (Appointments and Jurisdictions)

Controlling powers of State Govt. and Board respectively

Para 5

The control of all non-judicial matter connected with the land revenue in (Uttar Pradesh)² other than matters connected with settlement is vested in the (State Govt.)³ and control of all judicial matters and of all matters connected with settlement under this act is vested in the Board.

2. Subs. by A.O. 1950 for (United Provinces)

3. Subs. by the A.O. 1950 for (Prov. Govt.) which had been subs. by the A.O. 1937 for (L.G.)

Assessment of Revenue

Para 58 (1)

- (1) All land to whatever purpose applied and wherever situated is liable to the payment of revenue to the (crown)³ except such land as has been wholly exempted from such liability by special grant of, or contract with the (crown)³ or by the provisions of any law for the time being in force.
- (2) Revenue may be assessed on land, not with standing that revenue, by reason of its having been assigned, released, compounded for, or redeemed, is not payable to (crown)³

Saving of liability for revenue.

- (3) No length of occupancy of any land, nor any grant of land made by the proprietor shall release such land from the liability to pay revenue.
3. Subs. for "Govt. - by A.O.

Assessable area

Para 63 A²

The area which shall ordinarily be assessed to revenue shall be the normal cultivated area, that is to say, the area which has been cultivated in those of the thirteen years including preceeding the year of record in which remission of revenue have not been granted. Land which in the year of record has been continuously out of cultivation for years and is then still out of cultivation, shall not be assessed unless. –

- a) It is pasturage for which the landlord received rent based on area,
- b) It is land producing (Sayer)³ income of a kind liable to the payment of revenue.
- c) It is grove land held by a grover-holder as included in the holding of a tenant.

2. S5 62-A & 63-B ins. by s.6 of U.P. Act I of 1929.

3. Subs. for siwai by S.20 U.P. Act XI of 1961 made by the Governor in exercise of the powers assumed by him under S.93 of Government of India Act 1935.

4. Add. by ibid.

Tanks, Wells Water Courses and Embankments

Para 130

Tanks, wells, water courses and embankments shall be considered as attached to the land for the benefit of which they were originally made.

When from the extent situations or construction of such works, it is necessary that they should continue the joint property of the proprietors of two or more of the portion into which the mahal may be divided, the Collector shall determine the extent to which the proprietors of each portion may use the said works and the proportion in which the charges for repairs there of shall be borne by such proprietor and the manner in which the profits (if any) derived therefrom shall be divided.

**THE UNITED PROVINCES MINOR IRRIGATION
WORKS ACT, 1920**

**THE UNITED PROVINCES MINOR IRRIGATION
WORKS ACT, 1920
United Provinces Act No. 1 of 1920**

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UNITED PROVINCES ACT NO. I OF 1920

[Passed by the Lieutenant Governor of the United Provinces of Agra and Oudh in Council]

Received the assent of the Lieutenant Governor of the United Provinces of Agra and Oudh on the 30th April, 1920, and of the Governor General on the 1st June, 1920 and was published under section 81 of the Government of India Act on the 3rd July, 1920

THE UNITED PROVINCES MINOR IRRIGATION WORKS ACT, 1920

Whereas it is expedient to make provision for the construction, improvement and maintenance by Government of irrigation works on a smaller scale than that contemplated by the provisions of the Northern India Canal and Drainage Act, 1873; and whereas the previous sanction of the Governor General has been obtained under sub-section (2) of section 79 of the Government of India Act, 1915; It is hereby enacted as follows:-

PART I

Preliminary

1. (1) This Act may be called the United Provinces Minor irrigation Works Act, 1920.

Short title and extent

- (2) It extends to all the territories for the time being administered by the Lieutenant Governor of the United provinces of Agra and Oudh.
2. In this Act, unless there be something repugnant in the subject or context,-

Definitions

- (1) "Construction" (with its grammatical variations and cognate expressions) includes improvement within a limited time and in a specific manner:
- (2) "Minor irrigation work" or "work" means an irrigation, submersion, drainage or protective work or system of such works, natural or artificial, of which the construction or maintenance by the Local Government appears to that Government to call for action on a smaller scale than that contemplated by the Northern India Canal and Drainage Act, 1873.
- (3) "Owner" includes an under- proprietor, a permanent tenure holder, a permanent lessee, a fixed rate tenant, and a mortgagor or mortgagee in possession; but does not include a mortgagor or mortgagee out of possession or a lessee for a term of year, nor, where a superior and an inferior right of ownership co-exist, the owner of the superior right.

PART II

Preparation of scheme

3. **Preliminary order of Government**

The local Government may direct the Collector or any other person to make inquiry whether it is desirable to undertake the construction or maintenance of a minor irrigation work of any description in any specified local area.

4. Publication of preliminary order

- (1) The Collector shall, thereupon, publish a notice in the village or villages concerned specifying the place at which and the date (which shall not be earlier than forty two-days after the date of such publication) on which the inquiry shall be held, and shall also, subject to any rule made under section 47, cause a copy of the notice to be served on any owner whose land he believes to be likely to be affected by the proposed construction or maintenance.
- (2) The notice shall set forth the general character of the proposed construction or maintenance and shall invite all persons having interests likely to be affected thereby to submit any objection or suggestion that they may desire to make on or before a date prescribed in the notice and to produce any evidence in support of such objection or suggestion on the date appointed for the holding of the inquiry.

5. Implied consent of owners

Every owner of land likely to be affected by such construction or maintenance who fails within the period allowed by the notice to submit any objection or suggestion in the manner prescribed shall be deemed for the purposes of this Act to have given his consent thereto.

6. Inquiry and report by the Collector

- (1) If the Collector or other person appointed to make the inquiry, after considering any objection or suggestion duly submitted and taking such evidence as he thinks necessary, finds that the owners of at least one-half of the land likely to be affected by the construction or maintenance of the work consent, or are deemed to consent, to such construction or maintenance, he shall embody his proceeding in a report to be submitted to the Local Government, and shall in such report make proposals as to the manner in which Government is to be compensated or to recoup itself for any expenditure, whether capital or recurring, incurred by it.
- (2) If the owners of more than one-half of the land affected or likely to be affected are opposed to the construction or maintenance of the work, a report to this effect only shall be submitted to the Local Government.

7. Notification by Government directing draft scheme to be prepared

Upon receipt of the report referred to in sub section (1) of the preceding section, the Local Government may, after such further inquiry, if any, as it thinks fit, publish a notification in the Gazette directing the preparation of a draft scheme of construction or maintenance, or of both.

8. Powers of officer preparing draft scheme

Upon such publication, any officer empowered by the Local Government in this behalf by general or special order may enter, or depute any other person to enter, upon any lands within the area specified in section 3, or on any lands adjacent thereto, for the purpose of doing any

act necessary in his opinion for the preparation of the draft scheme, provided that reasonable notice shall be given before entry is made into any building or any enclosed court or garden attached to a dwelling house.

9. Compensation for damage caused by entry under section 8 –

In case of entry under section 8, the officer empowered under that section shall, at the time of such entry, tender compensation for any damage which may be occasioned by any proceeding under that section; and in case of dispute as to the sufficiency of the amount so tendered, he shall forthwith refer the same for decision by the Collector, and such decision shall be final.

10. Draft Scheme –

- (1) The officer empowered by government under section 8 shall submit a draft scheme to Government, and such scheme shall, so far as he deems necessary, embody the following particulars and be accompanied by the following documents, namely:
 - (a) a specification and plan of the work which it is proposed to construct or maintain and an estimate of the capital or recurring expenditure involved thereby;
 - (b) the estimated time required for the completion of a scheme of construction;
 - (c) a statement detailing:
 - (i) the land and interests in land which in his opinion it will be necessary to acquire in order to carry out the scheme.
 - (ii) the portion of such land and interests therein which can be acquired by negotiation,
 - (iii) the portion of such land and interests therein which it will be necessary to acquire under the Land Acquisition Act, 1894, and
 - (iv) an estimate in each case of the expenditure required for the purpose of acquisition;
 - (d) the extent to which it will be necessary in his opinion to make compensation for damage caused to property by the carrying out of the scheme and the expenditure required for this purpose;
 - (e) the area which will be benefited by the scheme;
 - (f) the method of management of the work;
 - (g) with reference to section 19, the method or methods by which Government will be recouped or compensated for expenditure incurred by it;
 - (h) where all or any of the owners within the benefited area agree-
 - (i) to make themselves responsible to Government for any expenditure incurred by Government from time to time in the execution of the scheme or for interest at a specified rate there on, or for both, or

- (ii) to pay any fixed contract sum or sums (alongwith interest at a specified rate on arrears thereof) to Government for the execution by Government of the scheme,
 - an agreement to either effect executed by such owners;
 - (i) the description of any river or stream flowing in a natural channel, or of any lake or other natural collection of still water, where of the water should be applied or used for the purpose of the work;
 - (j) any other matter which is required by the circumstances of the case.
- (2) Such scheme shall also embody any particulars and be accompanied by any documents required by any rule made under section 47.
- (3) Any agreement referred to in clause (h) of subsection (1) may provide that on payment of the amount expressed therein the work shall vest in and be maintained by the owners executing the agreement, subject to the provisions of part III.

11. Publication of draft scheme –

- (1) When the draft scheme has been prepared to the satisfaction of Government, a notice giving such particulars as are required by rule in this behalf and stating at what place and times the scheme will be open to inspection shall be published by affixing a copy of the notice in a prominent place in each village of which the land is in the opinion of the Collector likely to be affected by the scheme if carried out.
- (2) The Collector may also serve notice to the same effect on any owner or occupier of land likely to be affected by the scheme or on the agent of such owner or occupier.
- (3) On publication of the notice under sub-section (1), any person likely to be affected by the scheme may within one month from the date of such publication present in writing to the Collector any objection which he may have to the scheme.
- (4) The Collector shall forward to the Local Government all objections, which may be presented to him together with any remark that he may desire to make in respect of such objections.

12. Adoption by Government of approved scheme

- (1) After such modification of the draft scheme as appears to be required by any objection made under the previous section, the Local Government may, if it thinks fit to proceed with the scheme, notify the same as approved by publication in the Gazette, and thereafter it shall be entitled to carry out such approved scheme in accordance with the provisions of this Act:

Provided that if the scheme has, in the opinion of the Local Government, been substantially altered, the provisions of section 11 shall apply to the amended scheme.

- (2) The publication under sub-section (1) of a scheme as approved shall be conclusive proof that any consent recorded therein has been duly obtained, that the scheme will benefit the area specified therein in that behalf (herein after called the benefited area), and that the scheme has in all respects been duly prepared and approved.

13. Operation of a notified scheme as a notification under section 5 of Act VIII of 1873

The intimation in a scheme notified under subsection (1) of section 12 of the intention to apply or use the water of any river or stream flowing in a natural channel, or of any lake or other natural collection of still water, for the purpose of the work to which the scheme relates, shall operate as a notification under section 5 of the Northern India Canal and Drainage Act, 1873, declaring that the said water will be so applied or used on the expiration of three months from the date of the notification.

14. Modification of approved scheme, or substitution of new scheme

- (1) The Local Government may from time to time modify any approved scheme notified under section 12 or substitute another scheme in its stead, and the provisions of this Act applicable to a scheme notified under section 12 shall thereafter be applicable to any scheme so modified or substituted:
- (2) Provided that any consent, publication or other thing required by this Act in respect of a scheme shall be necessary also in respect of the alteration of a scheme or the substitution of a new scheme for an existing one.

PART - III

Construction and Maintenance

15. Appointment of officer in charge

The Local Government may, by general or special order, appoint an officer (hereinafter called the officer in charge) to be in charge of the construction or maintenance of a minor irrigation work in respect of which an approved scheme has been published.

16. Powers of officer in charge

- (1) The officer in charge and any officer to whom he is subordinate shall have the following powers, namely:-
- (a) to exercise, with reference to the work, the powers conferred by section 6 of the Northern India Canal and Drainage Act, 1873;
 - (b) to prohibit by order in writing any person from doing anything which in his opinion diminishes, or is likely to diminish, the efficiency of the work;
 - (c) to require by order in writing any owner or occupier of land within the benefited area to take or permit such action in respect of any property therein belonging to him or in his possession as may appear necessary for the preservation or maintenance of the work or may appear to be necessary for the purpose of

increasing or extending within the benefited area, by means of distributaries or otherwise, the benefit of the work;

- (d) to enter or authorize any other person to enter upon any land for the purpose of constructing or maintaining the work, or of preventing or remedying the effect of any accident to the same, or of inspecting or regulating the use of the water supplied, or of measuring lands irrigated by the work or chargeable with any water rate or other sum, or of doing any other thing necessary for the proper regulation and management of the work;
 - (e) to require, in cases of urgency, any owner or occupier of land receiving benefit from the work to assist in procuring at market rates such labour as may be necessary for the preservation or maintenance of the work;
 - (f) to do or prevent being done anything in respect of which an order has been issued by him under clauses (b) and (c), provided that the person so ordered has failed to obey the order within the time specified in the order, and provided also that no action shall be taken under this clause in respect of an order issued under clause (c) until such order has become final under section 17;
 - (g) if a Divisional Canal Officer, to issue an order in writing to the persons using any water-course to construct suitable bridges, culverts or other works for the passage of the water of such water course across any public road, canal or drainage channel in use before the said water course was made, or to repair any such works, and on the failure of the person to whom the order has been issued to comply within a reasonable time, himself to take the required action at the cost of such person which shall be recoverable under section 28.
- (2) The power conferred by clause (c) of sub-section (1) shall include the power to order the transfer by one person to another, on the payment of compensation to be determined in the manner described in section 40, of a watercourse, or of any land or right in land required for the construction of a water course.

17. Appeal against order of officer in charge

- (1) Orders issued by the officer in charge under section 16 shall be subject to appeal in writing made within fifteen days to such officer or officers as the Local Government directs by rule, but unless appealed against in the prescribed manner shall be final.
- (2) The order of the appellate authority shall be final.

18. Land acquisition

- (1) Any land or interest in land which, in the opinion of the Local Government, it is necessary to acquire in pursuance of a scheme notified under section 12, shall, for the purposes of the Land Acquisition Act, 1894, be deemed to be required for a public purpose.
- (2) For the purposes of sub-section (1) of section 23 of the said Act the market value of such land at the date of the publication of the declaration relating thereto under section

6 of that act shall be deemed to be the market value at the time of the issue of the preliminary order under section 3 of this Act.

PART IV

Recovery of Expenditure

19. Alternative modes of recoupment by Government

The local Government may compensate or recoup itself for any expenditure which it incurs, or agrees to incur, in the carrying out of any approved scheme of construction or maintenance, or of both, in any one or more of the following methods, namely:

- (a) by the levy from the owners of land within the benefited area, whether such benefit takes the form of direct irrigation, percolation, submersion, improvement of the water – supply in wells or drainage of excessive water or other wise, of a uniform rate or of differential rates imposed on such land in accordance with rules made by the Local Government; or
- (b) by the recovery from any owners executing an agreement under clause (h) (i) or clause (ii) of sub-section (1) of section 10 of any sums due thereunder; or
- (c) by the realization of miscellaneous income arising from the management by Government of the work.

20. Appeal against rates

- (1) An appeal against the assessment or levy of any rate under this Act shall lie to such officer as is empowered by rule in this behalf.
- (2) In every appeal the costs shall be at the discretion of the officer deciding the appeal.
- (3) Costs awarded under this section against the appellant shall be recoverable as though they were an arrear of land revenue due from the appellant.

21. Limitation of appeal

No appeal shall lie in respect of any rate unless it is preferred within thirty days from the time when the demand for the rate is first made.

22. Exclusion of Jurisdiction of ordinary courts

No objection shall be taken to any assessment, nor shall the liability of any person to be assessed or rated be questioned in any other manner, or by any other authority, than is provided in or under this Act:

Provided that nothing in this section shall prevent any person from obtaining a declaration in the civil court that he is not liable to such assessment on the ground that he is not the owner of the land in respect of which the assessment has been made, and the assessing officer shall be bound by such declaration.

23. Rate by whom payable when charged on land held by several occupiers

Where a rate is charged on land held by several joint owners, it shall be payable by the manager or other person who receives the rents or profits of such land, who may recover from such joint owners any sums so paid on their behalf.

24. Enhancement and abatement of rent

- (1) Notwithstanding anything contained in any enactment to the contrary, but subject to any rules made in this behalf, where benefits are received from a minor irrigation work constructed or maintained under this Act, such benefits, whether due to the supply of direct irrigation or to percolation, submersion, improvement of the water- supply in wells or drainage of excessive water or otherwise, shall be deemed a ground for enhancement of rent.
- (2) In like manner, the loss or discontinuance of any benefits received from a minor irrigation work shall be deemed a ground for abatement of rent

25. Procedure in enhancement and abatement

Except as may be otherwise provided by rules made under section 47, all claims under the preceeding section in any local area shall be made by suit to be instituted in a revenue court empowered to try suits for the enhancement or abatement of rent in such local area, and the court shall in the trial of such suit follow the procedure prescribed for the trial of suits for the enhancement or abatement of rent in such local area.

26. Apportionment of charges due under clause (b) of section 19

Where any sum is recoverable under clause (b) of section 19 from owners for the time being of land within the benefited area, they shall be jointly and severally liable for the same.

27. Enforcement of agreements previous to Act

- (1) All agreements made within a period of twelve years prior to the date on which this Act comes into force regarding the construction, repair, and maintenance of a minor irrigation work which might have been constructed or maintained under this Act, had it been in force, shall, so far as the terms thereof are consistent with this Act, be deemed to have been made under this Act, and shall have force accordingly.
- (2) Nothing in sub section (1) shall apply to any such agreement in respect of a minor irrigation work unless and until the Local Government declares the work by notification in the Gazette to be subject to the provisions of this section.

28. Certified dues and debts recoverable as land revenue

Any sum lawfully due under this Act and certified by the officer in charge to be so due and any sum not otherwise recoverable under this Act but due under an agreement referred to in section 27 which remains unpaid after the day on which it becomes due shall be recoverable by the Collector from any person liable for the same as if it were an arrear of land revenue.

29. Power to contract for collection of dues

- (1) The officer in charge or the Collector may enter into an agreement with any person for the collection and payment to the Government by such person of any sum payable under this Act by a third party.
- (2) When such agreement has been made, such person may recover such sum by suit as though it were an arrear of rent due to him on account of the land in respect of which such sum is payable or water shall have been supplied or used.
- (3) If such person makes default in the payment of any sum to be collected by him under this section, such sum may be recovered from him by the Collector under section 28, and if such sum or any part of it be still due by the said third party, the sum or part so due may be recovered in like manner by the Collector from such third party.

30. Lambardars may be required to collect dues

- (1) In the absence of an agreement made under section 29 with any other person the Collector may require the Lambardar of any mahal to collect and pay any sums payable under this Act by a third party in respect of any land or water in such mahal, and in the event of his failing to pay any sum so required, may recover it from him as an arrear of land revenue.
- (2) Where a Lambardar is required to pay any sum under sub-section (1), all the provisions of law for the time being applicable to the recovery by him or by the Collector on his behalf of land revenue and remuneration fees from any third party shall apply to the recovery of such sums from any third party liable for the same as if they were enacted in this Act.

31. Saving in respect of fines

Nothing in sections 28, 29, and 30 applies to fines.

PART-V

Penalties and Preventive Action

32. Offences

Whoever without proper authority, and voluntarily, does any of the following acts namely-

- (1) damages, alters, enlarges or obstructs any work;
- (2) interferes with, increases or diminishes the supply of water in or the flow of water from, through, over or under any work;
- (3) being responsible for the maintenance of any work or of any part thereof or using any work or any part thereof, neglects to take proper precautions for the prevention of waste of the water thereof, or interferes with the authorized distribution of water therefrom or uses such water in an unauthorized manner;

- (4) corrupts or fouls the water of any work so as to render it less fit for the purposes for which it is ordinarily used;
- (5) destroys or moves any level mark or water gauge fixed by the authority of a public servant;
- (6) passes, or causes animals or vehicles to pass, on or across any work, contrary to rules made under this Act;
- (7) violates any rule made under this Act, the breach of which is declared to be punishable, or disobeys any lawful order of the Collector or other officer, shall be liable on conviction before a magistrate to imprisonment for a period not exceeding one month or to a fine not exceeding fifty rupees or, where the offence is a continuing one, to further fine which may extend to ten rupees for every day on which the offence continues after the date of first conviction.

33. Saving

Nothing herein contained shall prevent any person being prosecuted under any other law for any offence punishable under this Act, provided that no person shall be punished twice for the same offence.

34. Summary arrest

Any person in charge of or employed upon any work may remove from the lands or buildings belonging thereto, or may take into custody without a warrant and take (or send) forthwith to a magistrate or to the nearest police station, to be dealt with according to law, any person who within his view commits any of the following offences: -

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

35. Definition of "Work" in this part

In this part the word "work" shall be deemed to include all lands occupied by Government for the purpose of a minor irrigation work in respect of which an approved scheme has been published and all buildings, machinery, fences, gates, and other erections, trees, crops, plantations or other produce, occupied by or belonging to Government upon such lands.

PART - VI

Jurisdiction And Procedure

36. Preparation of record of rights

- (1) The Collector shall, whenever the Local Government by special order or by rules made under this Act, so directs prepare or revise for any minor irrigation work in

respect of which an approved scheme has been published a record showing all or any of the following matters, namely: -

- (a) the custom or rule of irrigation.
 - (b) the rights to water and the conditions on which such rights are enjoyed;
 - (c) the rights as to the erection, repair, reconstruction, and working of mills, and the conditions on which such rights are enjoyed; and
 - (d) such other matters as the Local Government may by rule prescribe in this behalf.
- (2) Entries in the record so prepared or revised shall be relevant as evidence in any dispute as to the matters recorded, and shall be presumed to be true until the contrary is proved or a new entry is lawfully substituted therefor:
- Provided that no such entry shall be so construed as to limit any of the powers conferred on Government by this Act.
- (3) When a record showing all or any of the matters enumerated in sub-section (1) has been framed at any settlement of the land revenue such record shall be deemed to have been made under this section.
- (4) Every person interested shall be bound to furnish to the Collector, or to any person acting under the direction of the Collector, all information necessary for the correct preparation of a record under this section.
- (5) The provisions of Chapter IV of the United provinces Land Revenue Act, 1901, shall, so far as may be, apply to the preparation and revision of every such record.

37. Settlement of disputes between private persons

- (1) Subject to the provisions of section 39, whenever a dispute arises between two or more persons in regard to any right or liability arising from the construction or maintenance under this Act of a minor irrigation work in respect of which an approved scheme has been published, or arising from the issue of any order under this Act in respect of such work, any such person may apply in writing to the officer in charge of the work stating the matter in dispute.
- (2) That officer shall thereupon give notice to the other persons interested that, on a day to be named in the notice, he will proceed to inquire into the said matter.
- (3) On the day fixed for the inquiry, or on any subsequent day, the aforesaid officer shall pass an order determining the matter in dispute, unless he transfers (as he is hereby empowered to do) the matter to the Collector, who, in such case, shall inquire into and pass an order determining the said matter.

- (4) An order under sub – section (3) may award compensation to any person who is a party to the proceedings against any other such person for any injury sustained; and any compensation so awarded shall be recoverable upon application made to the revenue court having jurisdiction in the area concerned as if it has been awarded by a decree of that court.
- (5) The order of the officer in charge of the work or of the Collector as to the use or distribution of water shall be final so far as it applies to any crop sown or growing at the time when such order is made, and so far as it applies to any future crop shall remain in force until and except so far as it is set aside by a subsequent order passed in a fresh dispute under this section or by a decree of a civil court passed in a suit or proceeding within its jurisdiction.
- (6) For the purpose of sub-section (5) a dispute shall be deemed to be a fresh dispute when it arises out of different or changed circumstances.

38. Compensation for damage caused by the application or use of water

The provisions of sections 7 to 13 (inclusive of the Northern India Canal and Drainage Act, 1873), shall be applicable, as if they were enacted in this Act, in respect of compensation for any stoppage, diminution or damage of the description contemplated by the aforesaid sections and caused by the carrying out of any scheme under this Act.

39. Compensation relating to water-courses

- (1) Where the transfer of any water-course or of any land or interest in land required for the construction of a water-course is directed by an order made under section 16, upon payment of compensation, the Collector shall, on the application of any person affected by such order, proceed to determine the compensation under the provisions of the Land Acquisition Act, 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 land or water course occupied or transferred.
- (2) If any sum or rent-charge awarded under sub-section (1) is not paid when lawfully demanded by the person entitled to receive the same, the amount shall be recovered by the Collector as if it were an arrear of and revenue, and shall, when recovered, be paid by him to the person entitled to receive the same.

40. Compensation for damage caused by entry under section 16(1) (d)

In every case of entry under clause (d) of section 16(1) upon any lands adjacent to a minor irrigation work for the purpose of preventing or remedying the effect of any accident to the work, the officer in charge shall tender compensation to the proprietors or occupiers of the said lands for all damage done to the same. If such tender is not accepted, the officer in charge shall refer the matter to the Collector, who shall proceed to award compensation for the damage as though the Local Government had directed the occupation of the lands under section 35 of the Land Acquisition Act 1894.

41. Compensation for damage caused in other cases

Where any damage, other than damage of the description referred to in section 9, 16(2), 38, 39(1) or 40 is caused to a person by the exercise, with reference to a minor irrigation work, of any of the powers conferred by this Act, the officer in charge of the work shall, subject to any rules made under section 47 in this behalf, tender reasonable compensation to the person sustaining the damage and, in case of dispute as to the sufficiency of the amount tendered, he shall forthwith refer the matter for decision to the Collector, and such decision shall be final.

42. Limitation of claims for compensation for damage

No claim for compensation for damage under this Act shall be made after the expiration of one year from the accrual of the damage, unless good cause is shown by the claimant for not making his claim within that period.

43. Bar to suits against officers

No suit or other legal proceeding shall lie against any officer of Government or person acting under the directions of an officer of Government for anything done or intended to be done in good faith under this Act.

44. Powers to summon and examine witnesses

Any officer empowered by or under this Act to conduct any inquiry or to assess compensation may exercise all such powers connected with the summoning and examining of witnesses as are conferred on civil courts by the Code of Civil Procedure, 1908, and the inquiry or proceeding shall be deemed a judicial proceeding.

PART VII

Miscellaneous

45. Vesting of work

Every work shall be deemed to be vested in the persons or authority for the time being entrusted with the construction or maintenance thereof by the terms of a scheme notified under section 12.

46. Delegation of powers by Local Government

The Local Government may delegate any of its powers under this Act to the Board of Revenue or to the Commissioner or other officer, and in such case reference to the Local Government shall be construed as references to the Board of Revenue, the Commissioner, or other officer, as the case may be.

47. Power of Government to make rules

- (1) The Local Government may, after previous publication, make rules to carry out the purposes of this Act.

- (2) In particular and without prejudice to the generality of the foregoing power such rules may be made as to all or any of the following matters, namely:-
- (a) the nature, scope and extent of works to be undertaken under this Act;
 - (b) the conduct of an inquiry under section 3 and other matters relating to the preparation of a draft scheme;
 - (c) the publication and service of notices under sections 4 and 11;
 - (d) the particulars and documents to be embodied in or submitted with a draft scheme;
 - (e) the rates leviable from owners and the method of assessing the same and time of payment;
 - (f) the officer to whom an appeal shall lie under section 20;
 - (g) the procedure to be adopted in proceedings held under section 24 for the enhancement or abatement of rent;
 - (h) the remuneration of person collecting sums for Government under section 29 or 30 and their indemnification against expenses properly incurred in collection;
 - (i) the delegation by the Local Government of any powers conferred upon it under this Act.
- (3) In making any rule under this section the Local Government may declare that a breach of such rule is punishable under this Act.
- (4) All rules made under this section shall be published in the Gazette, and on such publication shall have effect as if enacted in this Act.

**THE UNITED PROVINCES PRIVATE IRRIGATION
WORKS ACT, 1920**

**THE UNITED PROVINCES PRIVATE IRRIGATION WORKS
ACT, 1920
UNITED PROVINCES ACT NO II OF 1920
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UNITED PROVINCES ACT NO. II OF 1920

[Passed by the Lieutenant Governor of the United Provinces of Agra and Oudh in Council]

Received the assent of the Lieutenant Governor of the United Provinces of Agra and Oudh on the 30th April, 1920, and of the Governor General on the 1st June, 1920 and was published under section 81 of the Government of India Act on the 3rd July, 1920.

THE UNITED PROVINCES PRIVATE IRRIGATION WORKS ACT, 1920

Whereas it is expedient to facilitate the construction of private irrigation works; It is hereby enacted as follows:-

CHAPTER I PRELIMINARY

1 Short title and extent

- (1) This Act may be called United Provinces Private Irrigation Works Act, 1920.
- (2) It extends to all the territories for the time being administered by the Lieutenant Governor of the United Provinces

2 Definitions :

In this Act, unless there be something repugnant in the subject or context,-

- (1) "Estate" means any land owned or held by a landowner;
- (2) "Land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth;
- (3) "Landowner" includes an under-proprietor, a permanent tenure-holder, a permanent lessee, a fixed rate tenant and a mortgagor or mortgagee in possession, but does not include a mortgager or mortgagee out of possession or a lessee for a term of years or, where a superior and an inferior right of ownership co-exist, the owner of the superior right.

CHAPTER II ACQUISITION OF LAND FOR PRIVATE IRRIGATION WORKS

3. Application to collector to acquire land

Any landowner who desires to construct an irrigation, submersion, drainage or protective work for the benefit of his own estate and to acquire for the purpose the land of another person may apply in writing to the Local Government through the Collector, stating-

- (a) that he has endeavoured unsuccessfully to acquire the land;
- (b) that he desires the Collector, on his behalf and at his cost, to acquire the land for him under this Act;

- (c) that he is willing and in a position to deposit when so required all costs involved in the acquisition of the land; and
- (d) that he is in a position to meet the cost of construction of the work he desires to undertake.

4. Inquiry to be made by collector

- (1) The Collector shall, thereupon fix a date (of which the person to whom the land belongs shall receive reasonable notice) for holding an inquiry and shall publish a notice of the application and the date fixed for the inquiry in the village or villages concerned.
- (2) At such inquiry the Collector shall determine-
 - (a) whether the proposed improvement is of sufficient importance to justify action under this Act.
 - (b) whether the most suitable situation or alignment for the proposed work necessitates the acquisition of the land;
 - (c) whether the execution of the work is likely to cause damage to land belonging to other landowners, and whether any such land should be acquired;
 - (d) whether the statements in the application mentioned in section 3 are true; and
 - (e) generally whether the application should be granted.

5. Demarcation of necessary land and estimate of cost

If the Collector considers that the application should be granted, he shall require the applicant to deposit the estimated cost of demarcation of the land which in his opinion it will be necessary to occupy for the construction of the work, and in the event of his doing so, the Collector shall proceed to demarcate the said land and frame a preliminary estimate of the cost of acquiring the said land under this Act.

6. Power of Government to direct acquisition

The Collector shall report the result of his inquiry to the Local Government, which may, on receipt of such report, either refuse the application or direct that the land demarcated be acquired by the Collector.

7. Power of Collector to acquire land

If the Local Government directs acquisition of the land, the Collector shall require the applicant to deposit the cost of acquisition as estimated under section 5, and in the event of his doing so, shall proceed to acquire the land under the Land Acquisition Act, 1894, as if the Local Government had directed the Collector to take order for the acquisition of the land under section 7 of that Act.

8. Conditions of delivery of occupation to applicant

- (1) If the final cost of acquisition is less than the amount deposited by the applicant under

section 7, the balance shall be returned to him, but if it is greater, he shall be required to deposit the deficit within a time to be specified by the Collector; and in the event of his failing to do so, the Collector shall quash all proceedings hitherto taken, returning the amount already deposited to him after deduction of a tenth part therefrom.

- (2) When the final cost of acquisition does not exceed the amount deposited by the applicant under section 7, or when the deficit in the said amount has been duly deposited by the applicant under sub-section (1), he shall be placed in occupation of the land acquired, and the following conditions shall be thereafter binding on him and his representative in interest:-

all works necessary for the passage across the aforesaid land of water- courses existing previous to the construction of the work for which such land was acquired, and of drainage intercepted by such work, and for affording proper communications across it for the convenience of the neighbouring lands, shall be constructed and maintained by the applicant or his representatives in interest to the satisfaction of the Collector.

9. Delegation of Powers by Local Government

The Local Government may delegate any of its powers under this chapter to the Commissioner or other officer, and, in such case, references to the Local Government shall be construed as references to the Commissioner or other officer, as the case may be.

10. Result of applicant failing to construct work or comply with conditions

- (1) In the event of an applicant or his representative in interest failing-
- (a) to construct the work for the purpose of which the land has been acquired under this Act, or
 - (b) to construct and maintain the necessary works in accordance with the conditions stated in sub-section (2) of section 8 to the satisfaction of the Collector

within a time to be specified by the Collector, or within such further time as the Collector may, from time to time, allow, the person who owned the land at the date of acquisition or his representative in interest may, within one year of the expiry of the period mentioned above, claim in the court of the Collector the return of the land on payment of the compensation paid to him after deduction therefrom of the amount paid under section 23 (2) of the Land Acquisition Act, 1894, and any other sum which may be awarded by the Collector for depreciation in the value of the land subsequent to acquisition.

- (2) An order of the Collector for the return of the land shall operate to re-vest the land in the person to whom it belonged previous to the acquisition or his representative in interest, as the case may be, subject to all the rights of other persons existing at the time of acquisition.

CHAPTER III

RECOVERY OF EXPENDITURE ON PRIVATE IRRIGATION WORKS BY LANDOWNERS CONSTRUCTING THE SAME

11. Enhancement of rent

- (1) Notwithstanding anything contained in any enactment to the contrary, but subject to any rules made in this behalf, where benefits are received from a private irrigation work constructed by a landowner, such benefits, whether due to the supply of direct irrigation or to percolation, submersion, improvement of the water supply in wells or drainage of excessive water or otherwise, shall be deemed a ground for enhancement of rent.
- (2) In like manner, the loss or discontinuance of any benefits received for a private irrigation work shall be deemed a ground for abatement of rent.
- (3) Except as may be otherwise provided by rules made under section 12 all claims under the foregoing provision of this section in any local area shall be made by suit to be instituted in a revenue court empowered to try suits for the enhancement and abatement of rent in such local area, and the court shall in the trial of such suit follow the procedure prescribed for the trial of suits for the enhancement or abatement of rent in such local area.

CHAPTER IV

POWER TO MAKE RULES

12. Power of Government to make rules

- (1) The Local Government may, after previous publication, make rules to carry out the purposes of this Act.-
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may be made as to all or any of the following matters:-
 - (a) The circumstances in which applications under chapter II may be granted;
 - (b) The procedure to be observed in the holding of any inquiry or proceeding;
 - (c) The enhancement and abatement of rent
- (3) All rules made under this section shall be published in the Gazette, and, on such publication shall have effect as if enacted in this Act.

**THE UNITED PROVINCES STATE TUBE-WELLS
ACT, 1936**

THE UNITED PROVINCES STATES TUBE-WELLS ACT, 1936
(United Provinces Act No.XII of 1936)
(Passed by the Local Legislature of the United Provinces of Agra and Oudh)

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THE UNITED PROVINCES STATE

TUBE-WELLS ACT, 1936

(UNITED PROVINCES ACT NO. XII OF 1936)

[Passed by the Local Legislature of the United Provinces of Agra and Oudh]

Received the assent of the Governor of the United Provinces of Agra and Oudh on December 12, 1936, and of the Governor General on February 20, 1937, and was published under section 81 of the Government of India Act on March 6, 1937.

An Act to provide for the construction, improvement and maintenance of State tube-well irrigation works

Preamble -

WHEREAS it is expedient to make provision for the construction, improvement and maintenance by Government of State tube - well irrigation works;

AND WHEREAS the previous sanction of the Governor General under sub-section (3) of section 80-A of the Government of India Act has been obtained to the passing of this Act;

It is hereby enacted as follows:

1. Short Title, Extent and Commencement

- (1) This Act may be called the United Provinces State Tube-wells Act, 1936.
- (2) Subject to the provisions of section 3, it extends to the whole of the United Provinces of Agra and Oudh.
- (3) It shall come into force on such date as the Local Government may by notification in the Gazette appoint.

2. Definitions

In this Act, unless there be something repugnant in the subject or context,

- (1) "Tube-well" means any tube well from which water is lifted by means of a pump operated otherwise than by human or animal power;
- (2) "State tube-well" means a tube-well constructed, maintained or controlled by the Local Government and includes all mechanical and electrical appliances, tools and structures appertaining to it and necessary for the abstraction of water from it;
- (3) "Tube-well Officer" means an officer appointed under section 4 to exercise control or jurisdiction over one or more State Tube-wells;

"Superintending Engineer" means a Tube-well Officer exercising general control over a circle comprising one or more tube-well divisions;

“Divisional Officer” means Tube-well Officer exercising control over a division comprising one or more tube-well sub-divisions;

“Superintending Engineer” means a Tube-well Officer exercising control over a group of State Tube-wells situated within an area designated a tube-well sub-division.

3. Application of the Act

The local Government may by notification in the Gazette, declare that any tract of land is a tract to which this Act will apply with effect from a day to be named in the notification, not being earlier than three months from the date thereof.

4. Appointment of Tube-well officers Act VIII 1873

The Local Government may from time to time appoint officers to exercise or perform within such local limits as it may direct all or any of the powers and duties conferred or imposed on Tube-well Officers by the Northern India Canal and Drainage Act, 1873, in its application to State tube- wells, as hereinafter provided.

5. United Provinces Act I of 1920 not to apply to State Tube wells

The provisions of the United Provinces Minor Irrigation Works Act, 1920 shall not apply to State tube-wells,

6. Application of Act VIII of 1873 to State Tube-wells

In respect of any State tube well, the provisions of the Northern India Canal and Drainage Act, 1873, except the provisions of section 1, clauses (4) and (7) of section 3, section 4, section 5 and parts VI and VIII of the said Act, shall be deemed to apply in like manner as if such State tube-well were a canal with the meaning of the said Act:

Provided that in the application of the said Act every reference therein to a “Canal Officer” (except in section 27 of the said Act), a “Superintending Canal Officer,” a “Divisional Canal Officer” or a “Sub-Divisional Canal Officer” shall be deemed to be a reference to a “Tube-well Officer”, a “Superintending Engineer,” a “Divisional Officer” or a “Sub-Divisional Officer” respectively:

Provided further that for the purpose of such application the said Act shall be subject to the modification indicated in the Schedule.

SCHEDULE

(Referred to in section 6)

7. **Modifications in the Northern India Canal And Drainage Act, 1873 (hereinafter called "the said Act")** Act VIII of 1873
 1. In section 6 of the said Act for the words "so named" the words "named in a notification under section 3 of the United provinces State Tube-wells Act, 1936" shall be deemed to be substituted, and for the words "such application or use of the said water" the words "the application or use of underground water for the purpose of a State tube-well" shall be deemed to be substituted.
 2. In Section 8 of the said Act, clauses (a) and (c) and the reference thereto in clause (i), shall be deemed to be omitted, in clause (g) for the words "through any natural channel which has been used for purpose of irrigation" the words "in any well which has been used" shall be deemed to be substituted and in the last paragraph for the expression "clauses (a), (b) and (c)" the expression "clause (b)" shall be deemed to be substituted.
 3. In section 27 of the said Act. for the words "Canal Officer" the words "Divisional Officer" shall be deemed to be substituted.
 4. (1) in sub-clause (1) of clause (a) of section 32 of the said Act the words "and with the previous sanction of the Local Government" shall be deemed to be omitted.
(2) Clause (d) of section 32 of the said Act shall be deemed to be omitted.
 5. In section 68, for the words "such officer shall thereupon give notice" the words "on receipt of such application or when in the opinion of the Divisional Officer any such difference is likely to arise he shall give notice" shall be deemed to be substituted.
 6. In Clause (2) of section 70 the words "except by the construction of a tube-well" shall be deemed to be inserted before the word "interferes" and clauses (6) to (9) of the said section shall be deemed to be omitted.

**THE UNITED PROVINCES STATE TUBE-WELLS
ACT, 1936**

THE UNITED PROVINCES STATE TUBE-WELLS ACT, 1936
(U.P. ACT NO XII; OF 1936 AS AMENDED BY U.P. ACT 4 OF 1954 AND U.P.
ACT 21 OF 1980)

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THE UNITED PROVINCES STATE TUBE-WELLS ACT, 1936
(U.P. ACT NO XII; OF 1936 AS AMENDED BY U.P. ACT 4 OF 1954 AND U.P.
ACT 21 OF 1980)

CONTENTS

Sections

Preamble

1. Short title, extent and commencement.
2. Definitions
3. (omitted).
4. Appointment of tube-well officers.
5. United provinces Act I of 1920 not to apply to State tube-wells
6. Application of Act VIII of 1873 to State tube wells.

SCHEDULE

Adapted and modified by the Government of India (Adaptation of Indian Laws) order, 1937

Adapted and modified by the Adaptation of Laws Order, 1950

[Received the assent of the Governor on December 12, 1936 and of the Governor-General on February 20, 1937, and was published under section 81 of the Government of India Act, 1919, on March 6, 1937]

An Act to provide for the construction, improvement and maintenance of State tube-well irrigation works

Preamble—Whereas it is expedient to make provision for the construction, improvement and maintenance by Government of State tube-well irrigation works.

And whereas the previous sanction of the Governor General under subsection (3) of Section 80-A of the Government of India Act has been obtained to the passing of this Act.

It is hereby enacted as follows:

Prefatory Note - For S.O.R. see Gazette Extraordinary, dated October 17, 1936; for R.S. Com., see Gazette, dated Nov 14, 1936 Pt VII, P 53; for discussion, see L.C. Pro. dated November 6, 1936 and November 10, 1936, in Vol. LXXIII, pp 232-236 and pp. 471-473, respectively.

See Gazette, 1937, Pt. VII, pp. 7-8

1. **Short title, extent and commencement** - (1) This Act may be called the United Provinces State Tube-well Act, 1936.

(2) [* * *]¹ It extends to the whole of [Uttar Pradesh]² * * *³

-
1. Deleted by U.P. Act IV of 1954
 2. Subs. by A.O. 1950 [the United Provinces]
 3. The words [of Agra and Oudh] omit, by *ibid.*

Note – This Act has been extended to the areas mentioned in Column 1 of this table under the Act or Order mentioned in Column 2 and enforced in such areas under notification if any, mentioned in Column 3 with effect from the date mentioned in Column 4 against each such area:

Area	Act or Order under which extended	Notification if any, under which enforced	Date from which enforced
1	2	3	4
1. Rampur District	Rampur (Application of Laws) Act, 1950	No. 285/XVII-345-49, dated March 8, 1952	March 15, 1952
2. Banaras District	Banaras (Application of Laws) order, 1949	-do-	-do-
3. Tehri-Garhwal District	Tehri Garhwal (Application of Laws) order, 1949	-do-	-do-

⁴[(3) It shall come into force at once.]

Note- The Act came into force on March 13, 1937, see Noti. No. 1313/I.D. of 1937, dated March 11, 1937, in Gazette, dated March 13, Pt. I, p.435.

2. **Definitions-** In this Act, unless there be something repugnant in the subject or context-
 - (1) “tube-well” means any tube-well from which water is lifted by means of a pump operated otherwise than human or animal power;
 - (2) “State tube-well” means tube-well constructed, maintained or controlled by the [State Government]⁵ and includes all mechanical and electrical appliances, tools and structures appertaining to it and necessary for the abstraction of water from it;
 - (3) “Tube-well Officer” means an officer appointed under Section 4 to exercise control or jurisdiction over one or more State tube-wells;

“Superintending Engineer” means a Tube-well Officer exercising general control over circle comprising one or more tube-well divisions;

“Divisional Officer” means Tube-well Officer exercising control over a division comprising one or more tube-well sub-divisions;

“Sub-Divisional Officer” means a Tube-well Officer exercising control over a group of State tube wells situated within an area designated as a tube-well sub division.
3. [Omitted]⁶
4. **Appointment of Tube-well Officers-** The [State Government]⁵ may from time to time appoint officers to exercise or perform within such local limits as it may direct all or any of the powers and duties conferred or imposed on Tube-well Officers by the Northern India Canal and Drainage Act, 1973, in its application to State tube wells as hereinafter provided.

4. subs by U.P. Act IV of 1954

5. Subs by the A.O. 1950 for [Provincial Govt.] which had been subs. by the A.O. 1937 for [L.G.].

6. deleted by U.P. Act IV of 1954 and be deemed always to have been omitted.

5. **United Provinces Act I of 1920 not to apply to State tube-wells** – The provisions of the United Provinces Minor Irrigation Works Act, 1920, shall not apply to State tube-wells.
 6. **Application of Act VIII of 1873 to State tube-wells** - In respect of any State tube-well the provisions of the Northern India Canal and Drainage Act, 1873, except the provisions of Section 1, clauses (4) and (7) of Section 3, Section 4, Section 5 and parts VI and VII of the said Act, shall be deemed to apply in like manner as if such State tube-wells were a canal within the meaning of the said Act:

Provided that in the application of the said Act every reference therein to a “Canal Officer”, (except in section 27 of the said Act), a “Superintending Canal Officer”, a “Divisional Canal Officer” or a “Sub Divisional Canal Officer” shall be deemed to be a reference to a “Tube-well Officer”, a “Superintending Engineer”, a “Divisional Officer” or a “Sub-Divisional Officer” respectively:

Provided further that for the purpose of such application the said Act shall be subject to modifications indicated in the Schedule.
 7. **Power to construct underground pipelines etc** – Any Tube-well Officer or other person acting under the general or special order of a Tube-well Officer may, from time to time-
 - (a) Place, dig, examine, repair, alter, maintain or remove a tube-well pipeline (including inter-ump, pipe stand, valve chamber and outlet) tube-well Kachagul, barha and earthen borrow pits, under, over, along, across, in or upon any immovable property and may, open or breakup the soil and,
 - (b) For any such purpose enter upon such property at any time.
 8. **Notice to owner or occupier of land: -**
 - (1) No such work, as is referred to in Section 7, shall be executed unless not less than forty-eight hours notice in writing before the commencement of work is given to the owner or occupier of the property and such owner or occupier shall have the right to be present during the execution of the work.
 - (2) Where any person, in exercise of the powers under this Act, opens or breaks up the soil of any land, he shall with all reasonable speed, fill in the ground and reinstate and make good the soil opened or broken up.
 - (3) A Tube-well Officer shall cause as little damage as possible to any property for the purpose of executing any work under this Act and shall in the prescribed manner, pay to the owner or occupier of such property compensation for any damage sustained by him.
 9. **Power to make rules** – The State Government may, by notification in the Gazette, make rules for carrying out the purposes of this Act.
-
7. Re application of rules framed under the Northern India Canal And Drainage Act, 1873 (Act VIII of 1873), to State Tube-wells, see Noti. No. 1480 W/1112-W-39, dated Aug. 24, 1940 in Gaz., 1940, Pt. I-A, p.533.
- 7a. Ins by U.P. Act 21 of 1980

U.P. State Tube - Wells Act, 1936

NOTES

Outlet- Outlet means a passage or vent for letting something out.-Webster's New World Dictionary. In a case arising under Northern India Canal and Drainage Act 1873, it was held that an outlet is the contrivance constructed on a Canal from which water is supplied into a smaller canal. Kundan Lal v. Divisional Canal Officer (1961) 71 Punj LR 162

SCHEDULE

(Referred to in Section 6)

Modifications in the Northern India Canal and Drainage Act, 1873^{7a} (hereinafter called "the said Act")

1. ⁸[In Section 6 of the said Act for the words "day so named" the words "commencement of the U.P. State Tube-wells Act, 1936", shall be deemed to be substituted and for the words "such application or use of the said water" the words "the application or use of underground water for the purpose of a State tube-well" shall be deemed to be substituted.]
 2. In section 8 of the said Act clauses (a) and (c) and the reference thereto in clause (i) shall be deemed to be omitted, in clause (g) for the words "through any natural channel which has been used for purposes of irrigation" the words "in any well which has been used" shall be deemed to be substituted and in the last paragraph for the expression, "clause (a), (b) and (c)", the expression "clause (b)" shall be deemed to be substituted.
 3. In section 27 of the said Act for the words "Canal Officer" the words "Divisional Officer" shall be deemed to be substituted.
 4. (1) In sub clause (1) of clause (a) of Section 32 of the said Act the words "and with the previous sanction of the Local Government" shall be deemed to be omitted.
(2) Clause (d) of Section 32 of the said Act shall be deemed to be omitted.
 5. In section 68, for the words "Such officer shall thereupon give notice" the words "on receipt of such application or when in the opinion of the Divisional Officer such difference is likely to arise he shall give notice" shall be deemed to be substituted.
 6. In clause (2) of Section 70 the words "except by the construction of a tube-well" shall be deemed to be inserted before the word "interferes" and clauses (6) to (9) of the said section shall be deemed to be omitted.
-
8. Subs by U.P. Act IV of 1954 and be deemed always to have been substituted.
 9. In S. 32-A (a) of the Northern India Canal and Drainage Act, 1873 the words [Provincial Govt.] have been sube for (L.G.) by the A.O. 1937.

Agreement no. 2 of 1953-54

I.B. Form no. 118.

An agreement made this sixteenth day of Nov. 1953 between the Governor of the Uttar Pradesh (here-in-after) called the Governor" of the one part and the Manager Lord Krishna sugar mills Ltd., Saharanpur (here-in-after) called the Representative of the other part.

Where as the Representative requested the provincial Government to permit him to discharge the water effluent of his Sugar Factory into the Krishni Drain of the Upper Division, Eastern Yamuna Canal, (here-in-after) called "The said drain" and the Governor has agreed to grant him such permission on the terms and conditions here-in after contained, now these presents as follows:-

1. The Representative hereby convenants with the Governor as follows:-
 - a) That he shall discharge only sullage water from the factory unmixed with any sewage, and free from suspended matter into the said drain; and he shall be responsible for the maintenance and upkeep of the water-course from Mills to the said drain.
 - b) That he shall pass the sullage water from the said factory through sedimentation tanks, constructed according to the design approved by the Irrigation Department, Uttar Pradesh and shall periodically clean these tanks as to ensure satisfactory working.
 - c) That he shall be bound by the order contained in the Industries department G.O. no. 4156-XVIII-58, dated 20.4.39, copy annexed hereto, and shall produce when required by the Executive Engineer, a certificate from the Director of Public Health, United Provinces to the effect that the effluents have been adequately diluted, deodorized and rendered harmless;
 - d) That he shall pay a sum of Rs. 160/- (Rs. One Hundred and Sixty only) per annum in the office of the Executive Engineer, Upper Division, Eastern Yamuna Canal, in advance on April 1, of each year to cover the additional cost of this department in keeping the drain and its outfall clear of theks, saxwal, grass weeds, etc., that may form due to this discharge running from the factory into the said drain throughout the year, and he shall not discharge effluents into the said drain before making this payment, nor shall he be entitled to recover any portion out of this sum for any reason whatsoever.
 - e) That he shall deposit a sum of Rs. 500/- with the Executive Engineer, Upper Division, Eastern Yamana Canal, as security for due fulfillment of these conditions, and in case of breach of any of the conditions by the Representative herein contained, the Executive Engineer, Upper Division, Eastern Yamuna Canal, may forfeit it in part or in full and may in addition to this by an order in writing stop the discharge of the effluent into the said drain and thereupon this agreement shall terminate.
 - f) That he shall make alternative suitable arrangement for disposing of the effluents for a period of two weeks during each year to be fixed by the Executive Engineer in order to stop discharge into the said drain so that annual clearance may be carried out by the Irrigation Branch. The date of such period shall be intimated by the Executive Engineer

to him in writing one month in advance.

2. The parties hereto mutually agree as follows:

- 1) This agreement takes effect from April 1, 1953 and will remain force for a period of five years after which it may be renewed if the Representative agrees to make payments of such revised sums for clearance as are fixed by the Superintending Engineer, III Circle, Irrigation works.

Provided that either party may by giving one month's notice in writing to the other party terminate this agreement without assigning any reason for such termination.

- 2) In case of any dispute between the two parties, the case shall be referred to the arbitration of Superintending Engineer, III, whose decision in the matter shall be final and binding on both the parties.
- 3) The Representative shall pay all the costs of the execution and registration of this agreement, if any. In witness where of the Executive Engineer, Upper Division, Eastern Yamuna Canal, on behalf of and acting under the authority of the Governor and the Representative have affixed their signatures on this deed on the dates respectively mentioned against the signatures of each and the Representative has also affixed here under the common seal of the said mills.

Sd/- Sumer Singh
Upper Dn. E. Y. Canal
Saharanpur

witness Kailash Chand
Date.....
Witness.....
Date.....

Representative
for the Lord Krishna
Sugar Mills Ltd.

9/11/53

sd/- Illegible
General Manager
Date.....

Seal of Company

Witness..... Sd/-Illeigible, 9/11/53

Date

Witness.....

Date.....

Encl: Copy of G.O.
No. 4156
True Copy
Sd/Illegible
3.6.62
Head Clerk
Upper D.E. Y. Canal

Copy of O.O. No. 4156/XVII-583 dated April 20, 1939, from Sri N.C. Metha Esq. I.C.S. Secretary to Government, United Provinces, Lucknow, to the Secretary, Indian Sugar Mills Association, 135 Canning Street, Calcutta.

With reference to your letter No. G/4/1583, dated July, 29, 1938/ Industries Department, I am directed to say that canal drains maintained by the Provincial Government, do not carry impure sullage water. They are meant primarily for carrying surface rain water or ground seepage water with a view to prevent flooding and water logging. Most of these drains pass close to village abadis and their water which is generally as pure as the water in canals, is used by the villagers for domestic supply for themselves and for their cattle. Further during the dry season which coincides with the crushing season, drains are repaired and cleaned and if effluents are allowed to be discharged in large quantities in the drains at that time, it will be difficult to carry out the annual repairs. Small quantities of sullage water flowing through will encourage a heavy growth of weeds, thereby involving heavy expenditure in clearing the drains. I am to say that, for these reasons, the Provincial Government have decided that Sugar factories which produce certificates from the Director of Public Health, United Provinces, to the effect that their effluents have been adequately diluted and deodorised and rendered harmless, will be allowed by the local Executive Engineer to discharge their effluents into drains for such period as the standard of purity is maintained provided that they pay the Executive Engineer concerned annually in advance a sum calculated to meet the increased cost of upkeep of the drain, which in the absence of experience in each case, will be calculated at Rs. 40 per mile per annum until the Executive Engineer secures evidence that some other rate is desirable.

Sd./- N.C. Metha,
Secretary

Sd./- Illegible,
General Manager,
For Lord Krishna Sugar Mills, Ltd.

Sd./- Sumer Singh, Z.E.,
Upper Dn, E.Y.C. Saharanpur

TRUE COPY

Sd/- Illegible
Head El6/62
Upper Dn. E.J. Canal

AGREEMENT

Regarding supply of water to Railway tanks by the Irrigation Department, Uttar Pradesh.

Articles of agreement made and entered into this _____ day of 19- between the Irrigation Department, Uttar Pradesh, hereinafter called the "Canal Department of the one part and Railway authorities, hereinafter called "Railway" of the other part.

Whereas the Railway Authorities are desirous of obtaining supply of water for filling their ground tanks at the stations (Khurja/Bulandshar) from the canals of Irrigation Department, now it is hereby agreed and desired that the supplies shall be afforded and taken under the terms and conditions hereinafter set forth:

1. The Canal Department of Uttar Pradesh will provide any channels necessary for the conveyance of water from their channels to the tanks of the Railway Department with the necessary masonry head and locked outlets at the cost of Railways. When any alterations or improvements are necessary these will be carried out by the Canal Department under similar conditions.
2. The channels will be maintained by the Canal Department so far as they lie outside the Railway land.
3. The tanks of the Railways will be filled by the Canal Department atleast once a month except where especially provided for in this agreement. Such filling will take place in the presence of an official of the Canal Department and an official of the Railways, the gauge reading, before and after being recorded by both. The cubical contents of the ground tank shall be calculated for each decimal of a foot.
4. The Railway shall pay for the water delivered into its storage tanks by the Canal Department at the rate of Rs. 10/- per thousand cubic feet on the presentation of the bills thereafter; the said rate includes the cost of maintaining the channels referred to in clause 2 above. The payment shall normally be made twice a year for the period ending 31st March and 30th September within one month of the date of receipt of bill by the Railway.
5. The officer of the Railways concerned shall within first seven days of each month inform the officer of the Canal Department concerned in respect of each tank of the number of days of supply of water in the said tank.
6. Whenever owing to the closure of the canal or to any causes whatsoever it becomes impossible for the Canal Department to fill any particular tank of the Railway once a month in terms of clause 3 above, the Canal Department shall immediately give notice to this effect in writing to the officer of the Railways concerned in respect of each tanks affected and state the probable duration of the closure.
7. If the duration of the closure is likely to be such that the tank of the Railways will not be filled for a period of two months since they were last filled by the Canal Department, then they shall be filled immediately before the closure and this shall always be done in the event of monsoon closure.

8. On the receipt of the notice referred to in clause of 6 above, the officer of the Railways concerned in respect of the tank shall place himself in close communication with the corresponding officer of the Canal Department concerned and shall by this means keep himself informed regarding the position of the Canal Department to supply water and in the event of it being likely that the position will become serious from the point of view of the railways, the said officer of the Railways shall notify the Superintending Engineer of the Canal Department concerned in respect of each tank.
9. The Railways may use the water for any purpose they think fit within the limit of the station yard but will have no power to permit irrigation from the canal beyond these limits.
10. To prevent tampering with the supplies, the key of the outlet referred to in clause 1 shall remain in charge of Canal Department.
11. The Canal Department will do all in their power to afford the supply of water under the terms of this agreement but will accept no responsibilities or claims for compensation for a failure of the supply.
12. Either party can cancel this agreement by giving six months notice in writing.

Canal Department.

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**THE NORTHERN INDIA CANAL & DRAINAGE
(UP AMENDMENT) ACT, 1963**

**THE NORTHERN INDIA CANAL AND DRAINAGE
(U.P. AMENDMENT) ACT, 1963 (U.P. ACT NO. V OF 1963)
AS PASSED BY THE U.P. LEGISLATURE**

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GOVERNMENT GAZETTE OF THE UTTAR PRADESH

PUBLISHED BY AUTHORITY

E X T R A O R D I N A R Y

LUCKNOW, THURSDAY, FEBRUARY 28, 1963

PHALGUNA 9, 1884 SAKA ERA

UTTAR PRADESH SARKAR

VIDHAYIKA VIBHAG

NO. 1087/REGD.No.A388 XVII-126-1963

Dated Lucknow, February 28, 1963

NOTIFICATIONS

Miscellaneous

In pursuance of the provisions of Article 348 (3) of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Northern India Canal and Drainage (Uttar Pradesh Sanshodhan) Adhiniyam, 1963 (Uttar Pradesh Adhiniyam Sankhya V of 1963) as passed by the Uttar Pradesh Legislature and assented to by the Governor on February 27, 1963.

THE NORTHERN INDIA CANAL AND DRAINAGE

(U. P. AMENDMENT) ACT, 1963

(U. P. ACT NO. V OF 1963)

AS PASSED BY THE U. P. LEGISLATURE

AN

ACT

to amend the Northern India Canal and Drainage Act, 1873 in its application to Uttar Pradesh
Act no. VIII of 1873; U. P. Ordinance I of 1963; Act VIII of 1873.

WHEREAS the Northern India Canal and Drainage (U.P. Amendment) Ordinance was promulgated by the Governor on January 29, 1963, to amend the Northern India Canal and Drainage Act, 1873 in its application to Uttar Pradesh;

And WHEREAS it is expedient and necessary that the said Ordinance be replaced by an Act of the Legislature;

It is hereby enacted in the Fourteenth year of the Republic of India as follows:

U.P. Gazette Extraordinary February 28, 1963

1. Short title and extent

- (1) This Act may be called the Northern India Canal and Drainage (U.P. Amendment) Act, 1963.
- (2) It extends to the whole of Uttar Pradesh.

2. Amendment of section 3 of Act no. VIII of 1873

In clause (8) of section 3 of the Northern India Canal and Drainage Act, 1873 (hereinafter called the principal Act) for the fullstop a semi-colon shall be substituted and thereafter the following shall be added as new clauses (9) and (10) :

“(9) ‘irrigable command area’ means such area of culturable land or grove land which for purpose of irrigation can be commanded through a single outlet in a canal or by a single tube well and the limits of which are fixed in this behalf by the Divisional Canal Officer; and (10) ‘Prescribed’ means prescribed by rules made under this Act.

3. Addition of new sections 30-A to 30-G in Act no. VIII of 1873.

After section 30 of the principal Act, the following shall be added as new sections 30-A to 30-G :

30-A. Preparation of the scheme for an irrigable command area

The Divisional Canal Officer may, with a view to providing for or improving irrigation facilities in an irrigable command area, prepare a scheme for the construction of water-courses and the carrying out of any work connected therewith in such area, anything to the contrary contained in any other law notwithstanding. The scheme shall contain —

- (i) a plan showing the site of the outlet, the existing water-courses, if any, the proposed water-courses and works connected therewith and the areas already served and to be served by the existing or proposed water-courses;
- (ii) a statement showing the estimated cost of constructing the proposed water-courses and works connected therewith;
- (iii) a memorandum showing the manner in which the scheme may be implemented; and
- (iv) such other particulars as may be prescribed.

30-B. Calling upon the Gaon Sabhas to implement the scheme

- (1) The Divisional Canal Officer shall, as soon as may be, forward a copy of the scheme prepared under section 30-A to each of the Gaon Sabhas and Block Development Officers within whose jurisdiction the land affected thereby is situate, and call upon the Gaon Sabhas to submit to him, within a period of thirty days

from the date of receipt of the copy, their approval of the scheme, or any objections, suggestions or modifications thereto.

- (2) The copy of the scheme shall, within three days of its receipt by the Gaon Sabha, be affixed by it on its notice board, and shall, within twelve days thereafter, be considered in a meeting of the Gaon Panchayat convened for the purpose and the decision of the Gaon Panchayat shall be deemed to be for and on behalf of the Gaon Sabha concerned. The decision shall be communicated to the Divisional Canal Officer within the time allowed under sub-section (1).
- (3) If no objections, modifications or suggestions are submitted by any of the Gaon Sabhas within the time specified in sub-section (1), the Gaon Sabhas shall be deemed to have approved the scheme, which shall thereupon become final.
- (4) Upon receipt of the objections, modifications or suggestions, made by the Gaon Sabhas under sub-section (2), the Divisional Canal Officer may either confirm the scheme or amend or modify it and thereupon the scheme so confirmed, amended or modified, shall become final.
- (5) When the scheme has become final, the Divisional Canal Officer shall, by notice in writing, call upon the Gaon Sabhas concerned to take all such steps as may be necessary for the implementation of the scheme, and in particular to construct or cause to be constructed, the water-courses and carry out, or cause to be carried out, all works connected therewith, within the period fixed therefor in the notice, which may be extended from time to time.

30-C. Securing or acquiring land for the scheme

- (1) Upon receipt of the notice mentioned in sub-section (5) of section 30-B, the Gaon Sabha shall give to all persons on whose land any water-course is proposed to be constructed, or on which any work connected therewith is proposed to be carried out, option to transfer by way of gift or surrender, as the case may be, free from all encumbrances, within the period provided therefor in the notice, so much of the said land in its favour as may be necessary for the implementation of the scheme.
- (2) Where any land required for the implementation of the scheme is not transferred to, or surrendered in favour of the Gaon Sabha under sub-section (1), it may
 - (i) either purchase the land at such rates as may be prescribed; or
Act no. I of 1894
 - (ii) move the State Government to acquire the same under the Land Acquisition Act, 1894 ; or

U.P. Act no. XXVII of 1948.

- (iii) if the land for construction of water - courses is likely to be required for a limited period only, apply to the Requisitioning Authority under section 6 of U.P. Rural Development (Requisitioning of Land) Act, 1948 to requisition the land.

Provided that if it appears after the construction of water-courses on the land so requisitioned that the alignment of the water-courses as constructed will be retained unchanged for long the Gaon Sabha shall, as early as possible, move the State Government to acquire the land on a permanent basis.

Act no. I of 1894.

- (3) Where, on the application of the Gaon Sabha under sub-section (2), any land has been acquired in accordance with the provisions of the Land Acquisition Act, 1894 the State Government shall, subject to such terms and conditions as may be imposed by it in this behalf, transfer to, or vest in, the Gaon Sabha, the land so acquired for the implementation of the scheme.

U. P. Act no. XXVII of 1948

- (4) The land transferred to, or vested in, the Gaon Sabha under sub-section (3), or of which the management has been vested in the Gaon Sabha under section 11 of the U.P. Rural Development (Requisitioning of Land) Act, 1948, shall be utilized by the Gaon Sabha for the implementation of the scheme, and it shall construct or cause to be constructed, in the manner hereinafter provided, the water-courses, and carry out or cause to be carried out, all works connected therewith as may be necessary for the implementation of the scheme.
- (5) In implementing the scheme the Gaon Sabha shall, in the first instance, give option, by notice in writing, published in the manner prescribed, to all persons having a holding in the irrigable command area, to construct, within such time as may be fixed therefor in the notice, the water-courses, and carry out all such work connected therewith, as may be necessary for the implementation of the scheme.

U.P. Act no. XXVI of 1947.

- (6) Where the persons concerned fail to construct the whole or any part of any water-course, or to carry out any work connected therewith, in accordance with the scheme, the Gaon Sabha shall construct, or carry out, or cause to be constructed, or carried out the same, in the manner provided under section 17 of the Uttar Pradesh Panchayat Raj Act, 1947, for the execution of small Irrigation projects.

30-D. Inspection of work by the Divisional Canal Officer

- (1) On the expiry of the period or extended period, as the case may be, specified in the notice under sub-section (5) of section 30-B, the Divisional Canal Officer shall inspect, or cause to be inspected, the water-courses and all works connected therewith, constructed or carried out, by the Gaon Sabha, either directly or through the tenure-holders of the irrigable command area, and if the same are in accordance with the scheme and otherwise property constructed, or carried out, approve the same.
- (2) Where the water-courses, or all works connected therewith, have not been properly constructed or carried out in accordance with the scheme, the Divisional Canal Officer, shall, by order in writing, require the Gaon Sabha concerned to remove and remedy, or cause to be removed and remedied, all the defects within the period specified in the order.
- (3) On the expiry of the period allowed in the order under sub-section (2), the Divisional Canal Officer shall again inspect, or cause to be inspected, the water-courses, and all works connected therewith, and shall either approve or disapprove the same.

30-E. Implementation of the scheme by the State Government

Where the Gaon Sabha fails—

- (i) to take all or any of the steps required to be taken by it in accordance with the provisions of section 30-C; or
- (ii) to construct, or cause to be constructed, the whole of the water-courses, or to carry out all works connected therewith, in accordance with the scheme, within the period or the extended period provided therefor in the notice under sub-section (5) of section 30-B ; or
- (iii) to remove the defects in the water-courses or in any work connected therewith as required to be done under sub-section (2) of section 30-D, or to obtain final approval of the Divisional Canal Officer in respect of them under sub-section (3) of the said section ;

the State Government shall take all such steps, including acquisition of the land, as may be necessary for the implementation of the scheme, and cause to be constructed and carried out the water-courses and all works connected therewith in accordance with the scheme.

30-F. Vesting of water-courses, etc. in the Gaon Sabha

With effect from the date a notification in this behalf is published in the Gazette by the State Government, and subject to such terms and conditions as may be prescribed, all the water-courses and all works carried out by the State Government in connexion with the implementation of the scheme, shall vest in the Gaon Sabha within whose jurisdiction the same lie.

30-G. Maintenance of the water-courses. etc

The Gaon Sabha shall, at all times, maintain and keep in good repairs all the water-courses, and all the works connected therewith, constructed or carried out by it, or vested in it under section 30-F.”

4. Addition of a new section 36-A in Act no. VIII of 1873

After section 36 of the principal Act, the following shall be added as a new section 36-A:-

- “36-A. (1) There shall be levied on, and collected from, in the manner prescribed, the persons mentioned in sub-section (2) a development charge for recovering the cost of the land acquired or requisitioned and the cost of construction of the water-courses, and all works carried out, in connexion with the implementation of the scheme, calculated-
for the cost of acquisition and requisition of the land at the rate of 40 Naya Paise per acre per annum ; and
- (ii) for the cost of constructing the water-courses and for carrying out the works connected therewith, at the rate of 60 Naya Paise per acre per annum.
- (2) Every person having a holding in the irrigable command area except those who have surrendered or transferred by way of gift, as the case may be, to the Gaon Sabha such portion of their land on which any water-course has been constructed, or on which any work connected therewith has been carried out, shall be liable and pay till such time as the cost together with interest at 4½ per cent per annum on the same, has been realized in full to the State Government, if the cost of acquisition has been met out of the Consolidated Fund of the State, or to the Gaon Sabha, if the compensation for acquisition or requisition has been paid by the Gaon Sabha, a development charge levied under clause (i) of sub-section (1), and every person in that area, who has failed to implement the scheme in accordance with the provisions of sub-section (5) of section 30-C, or sub-section (2) of section 30-D, so far as it relates to his land, shall, in lieu of the benefits derived from the implementation of the scheme, pay till such time as the expenditure incurred in this connexion, together with interest

at 4½ per cent per annum on the same, has been realized in full, to the State Government or the Gaon Sabha, whosoever may have constructed the water-courses or carried out the works connected therewith, in the implementation of the scheme, a development charge levied at the rate provided in clause (ii) of sub-section (1):

Provided however that the development charges shall in the first instance be payable to the State Government till such time as the expenditure incurred by it in this connexion, together with interest at 4½ per cent per annum on the same, has been realized in full."

5. Amendment of section 75 of Act VIII of 1873

Section 75 of the principal Act shall be re-numbered as sub-section (1) thereof, and the following shall be added as sub-sections (2) and (3) thereof:

- "(2) Without prejudice to the generality of the powers contained under sub-section (1), the rules may provide for-
- (i) the particulars to be mentioned in the scheme prepared under this chapter;
 - (ii) the manner of implementation of the scheme;
 - (iii) the manner of publication of the scheme and giving or publishing of notice under this chapter; and
 - (iv) the manner of doing or execution of such other things as can be, or may be, prescribed for giving effect to the provisions of this chapter.
- (3) All rules made under this Act shall, as soon as may be after they are made, be laid before each House of the State Legislature while it is in session, for a total period of fourteen days extending in its one session or more than one successive sessions and shall, unless some later date is appointed, take effect, from the date of their publication in the Gazette, subject to such modifications or annulments as the two Houses of the Legislature may agree to make ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder."

6. Repeal and Saving

- (1) The Northern India Canal and Drainage (U.P. Amendment) Ordinance, 1963 is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act, as if this Act had commenced on 29th day of January, 1963.

By order,
L. P. NIGAM,
Sachiv.



INCID SECTT. in

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