

**Madhya Pradesh Irrigation Act, 1931**

**(No. 3 of 1931)<sup>1</sup>**

(Incorporating amendments made Subsequently)<sup>2</sup>

An act to consolidate and amend the law relating to irrigation in M.P.

**Preamble** – whereas it is expedient to consolidate and amend the law relating to irrigation in Madhya Pradesh, and where as the Governor general has given has previous sanction to the passing of this Act, as required by sub-section (3) of Section 80-A of Government of India Act;

It is enacted as follows-

**1. Short title, extent and Commencement :-**

(1) This Act may be called the Madhya Pradesh irrigation Act, 1931.

<sup>3</sup> (2) It extends and shall be in force in the whole of Madhya Pradesh Pradesh.

## CHAPTER I – Definitions

### 2. Interpretation –

- (1) Unless there is anything repugnant in the subject or context, any expression used in this Act, which is defined or explained <sup>4</sup>(in the Central Provinces Land Revenue Act, 1917 or in the Central Province Tenancy Act, 1920), shall have the meaning there in assigned to it.
- (2) Every expression which is defined or explained in any part of this Act, is used in every part of this Act in conformity with such definition or explanation.

1. This Act was brought into force in the erstwhile Madhya Pradesh (Called C.P. & Berar) on the 15<sup>th</sup> March 1932, and extended to whole of new M.P. Vide Extension of Laws Act, 1958 w.e.f. 1-1-1959.
2. The amendments incorporated are detailed in the ‘Notes of Posting of Amendments to Act’ given at the end of the book.
3. Substituted vide section 26 in part A of the schedule to M.P. Extension of Laws Act, 1958 and sub section 3 is deleted.
4. These two enactments, referred to in the Principal Act have been repealed by MP Land Revenue Code 1959, which has now to be seen in lieu of these.

**3.Canal –“Canal” includes :-**

<sup>1</sup>(a) all canals, channels and reservoirs including submerging tank, tubewells, drainage works, and lift irrigation works constructed, maintained or controlled by the State Government for the supply of water for irrigation.

(b) all works, roads, embankments, structures, supply and escape channels connected with, or constructed for the purpose of facilitating the construction or maintenance of such canals, channels or reservoirs;

(c)all uncompleted works which, when completed, will fall within clause (a) or (b); and

(d)all land acquired or set apart for any of the above, but does not included a water – course.

<sup>2</sup>**(4.Water Course – “ Water –course”** means any channel which is supplied with water from a canal but is not maintained at the cost of the Government, and all subsidiary works belonging to such channel and including a field channel constructed in accordance with the provisions of this Act.

<sup>3</sup>**[(4-A) Field Channel-**“Field Channel” means channel which conveys or distributes water from an outlet or an opening in a water –course for irrigation of field belonging to private owners.

**5. Canal System – “ Canal System”** means all canals supplied from one or more common sources or head-works, together with all water –course supplied there from and all lands commanded thereby.

**6. Private Irrigation Work - “ Private Irrigation Work”** means a work, which is not the property of the Government constructed or maintained for the supply or storage of water for irrigation, <sup>4</sup>[and includes a private water – course].

<sup>5</sup>**[6-A. Private Water Course. – “Private Water Course”** means a water course constructed at the cost of a permanent, holder.

1. The definition of ‘Canal’ was substituted vide Section-2 of M.P. Irrigation (Amendment) Act	1973 (No. 42 of 1973).
2 & 3. Section 4 & 4-A has been added by M.P. Irrigation (Amendment) Act	1960 (No. 23 of 1960).
4 & 5. Inserted vide Section 26 in Part A of the schedule to M.P. Extension of laws Act	1958 (No. 23 of 1958).

**7. Grant in aid irrigation work – “Grant in aid irrigation work”** mean a private irrigation work constructed or improved by or on behalf of a permanent holder partly or wholly by means or grant of money from the Government.

**8. Commanded** – Land is said to be commanded by a canal when it may be irrigated from that canal by the flow of water under gravity, and without the need of lifting or pumping the water;

Provided that the Executive Engineer, with the previous sanction of the Superintending Engineer, may declare any land to be not commanded if it can be irrigated only by an excessive expenditure of water or by means of a water course which passes through an area which the Executive Engineer considers it desirable to avoid.

**Explanation** – Land which would not otherwise be commanded may become commanded by the construction of a crossing for the passage of water across a natural drainage, channel or ridge.

**9. Wet** – Land is said to be wet -

- (a) When it is classed in the annual papers of the village under any description which the State Government may, by rules made under this Act, declare to have the meaning of “wet” for the purposes of this definition; or
- (b) When it has been declared by the executive Engineer, with the sanction of the Superintending Engineer, to be wet.

**10. Irrigable** – Land is said to be irrigable when -

- (a) It is commanded by a canal;
- (b) It is under cultivation; and
- (c) It is not wet.

**Explanation** – Land which has been cultivated with any crop at any time during two years preceding that which an irrigation agreement has effect shall be deemed to be under cultivation.

**11. Outlet** – A “outlet” is an opening, constructed by the State Government in a canal, through which water is delivered into a water-course of directly on to any land.

**12. Chak** – (1) A “Chak” is that area of land on one side of a canal or below a tail, which would be commanded by a single outlet so situated that it would command the greatest possible area of land on that side of the canal in that neighbourhood.

**Explanation** – The fact that, in order to secure a more efficient flow of water, two or more outlets are constructed for one chak, does not convert that chak into two or more chaks.

(2) In cases of doubt, the Executive Engineer shall have power to determine the boundaries of chaks; and in all cases he shall have power so to determine them that no single chak shall include land in more than one village.

<sup>1</sup>[12-A. **compulsorily assessed area** – “Compulsorily assessed area” means an area notified as compulsorily assessed to water rate in accordance with rules made under this Act and the expression “compulsorily assessed” shall be construed accordingly.

**13. Occupier.** – An “occupier” of land is any person holding or professing to hold the right to cultivate such land for the time being.

<sup>2</sup>[14. **Permanent holder.** – A “Permanent holder” or any land means the Bhumiswami of such land and includes an occupancy tenant there of.

<sup>3</sup>[15. **Canal revenue.** – “Canal revenue” includes irrigation cess levied under Chapter VI-B and all sums payable to the Government for the use of, right to use of, or waste of water from, a canal.

**16. Water rate.** – A “water-rate” is the amount of canal revenue payable for the use of water or for the right to use water for irrigation for a single crop on one acre of land.

**Explanation** – A single crop includes two crops of the same product within the same year.

1.	Inserted vide M.P. Irrigation (Amendment) Act, 1945 (No. 11 of 1945).
2.	Substituted vide M.P. Irrigation (Amendment), Act, 1960 (No. 23 of 1960).
3.	This has been substituted by Irrigation (Amendment) Act, 1973 (No. of 1973) vide Section 3 of the said Act.

## Chapter II

### Canal officials and their charges and powers

- 17. Canal officers** – There shall be the following classes of canal officers, namely :
- (a) The Chief Engineer;
  - (b) Superintending Engineers;
  - (c) Executive Engineers ;
  - (d) Canal Deputy Collectors.
- 18. Canal charges** – (1) The State Government may group together into circles, areas in which canals have been or are to be constructed, and may divide circles into divisions, and divisions into sub-divisions.
- (2) The State Government may at any time form new circles, divisions or sub divisions, abolish existing circles, divisions or sub-divisions, or alter the limits or existing circles, divisions or sub-divisions.
- (3) The State Government shall appoint a chief Engineer to be in charge of the irrigation department generally, a Superintending Engineer to be in charge of each circle, an executive Engineer to be in charge of each division, and a Sub-Divisional Officer, to be in charge of each division.
- (4) The State Government may appoint persons to be additional canal officers in any sub division, division or circle, and may invest them with any or all of the powers of Sub-Divisional Officer, Executive Engineer or Superintending Engineer, respectively.
- (5) The State Government may invest Superintending Engineers with the power to appoint Sub-Divisional Officers to sub-divisions within their circles.
- <sup>1</sup>**[18-A. Additional Canal Officers** – The State Government may, by notification in the official Gazette, appoint the canal officers of any neighbouring State to be Additional Canal Officers in any Sub Division, Division or circle of the State and to exercise such powers and to perform such duties under this Act as may be specified in the notification.

1.	Inserted vide MP Extension Laws, Act 1958 (No. 23 of 1958).
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- 19. Subordination of canal officers.** – The Chief Engineer shall be subordinate to the State Government :
- all other canal officers shall be subordinate to the Chief Engineer;

- all canal officers in circle shall be subordinate to the superintending Engineer ; and
- all canal officers in a division shall be subordinate to the Executive Engineer.

**20. Canal Deputy Collector** – (1) The State Government may appoint a Canal Deputy Collector to one or more divisions.

- (2) A Canal Deputy Collector shall be subordinate to executive Engineer of any division to which he is appointed.
- (3) State Government may invest a Canal Deputy Collector with any or all of the powers of a Sub-Divisional Officer under this Act, and may invest a Sub-Divisional Officer with all or any of the powers of a Canal Deputy Colletor.

**21. Canal Subordinates** – (1) The Chief Engineer may, subject to rules made under this Act divide a sub – division into subordinate charges, may appoint canal subordinates to such charges, and may prescribe the duties of such subordinates.

- (2) All canal subordinates in sub – division shall be subordinate to the sub – Divisional officer.
- (3) The State Government may, by notification, invest any canal subordinate with any of the powers of a canal officer, except a power to decide appeals.
- (4) The Chief Engineer may, subject to rules made under this Act, delegate to Superintending Engineers or to Executive Engineer any or all of his power under this sub – section.

**22. Power to allot duties among canal officers-**

- (1) When under this Act any duet is to be performed or power is to be exercised by a canal officer, and the class of canal officer is not specified, rules made under this Act Regulating the performance of such duty or exercise of such power may prescribe the class of canal officers by which it is to be performed or exercised.
- (2) In addition to the above, rules may be made under this Act prescribing generally the class of canal officer who is to perform any duty of exercise any power which under this Act, is to be performed or exercised by a canal officer.
- (3) When the class of canal officer who is to perform any duty or exercise any power under this Act not prescribed under sub – section (1) or sub-section (2), such duty shall be performed or such power exercised by the sub divisional officer.

**23. Appeals –**

- (1) Save as provided for in this Act and the rules made there under, no appeal shall lie from an order passed by a Commissioner, Collector, Canal Officer, or canal subordinate.

**(2) The following appeals shall lie :-**

- a. If an order under section 34 is passed by a collector or canal officer, to the commissioner;
- b. If an order under section 38 is passed by a canal officer subordinate to the executive Engineer, to the Executive Engineer;
- c. If an order under section 44 is passed by a canal officer, to the collector;
- d. If an order under section 47 is passed by a canal subordinate, to the Canal Deputy Collector or Sub – Divisional officer; and , if it is passed by a canal Deputy Collector or Sub – Divisional officer otherwise than on appeal, to the Executive Engineer;
- e. If an order under section 56 is passed by a Superintending Engineer, to the Chief Engineer;
- f. If an order under sub-section (1) of section 62 is passed by a Collector, to the Commissioner; and
- g. If an order under section 73 is passed by an Executive Engineer, to the Superintending Engineer.

**(3) No appeal shall lie –**

- a. To the Commissioner or Chief Engineer after the expiration of sixty days from the date of the order to which objection is made; or
  - b. To the Collector, Superintending Engineer or Executive Engineer after the expiration of thirty days from the date of the order to which objection is made; or
  - c. To the Canal Deputy Collector or Sub-Divisional officer, after the expiration of ten days from the date of the communication of the order to which objection is made: Provided that no appeal shall lie to the Collector against an order passed by an Executive Engineer under section 44 either after the expiration of thirty days from the date of such order or after the cutting of the crop for whose irrigation the water was supplied
- (4) An appeal may be admitted after the period of limitation prescribed therefore if the applicant satisfies appellate authority that he had sufficient cause for not preferring the appeal within such period.
- (5) No appeal to canal officer shall require to be stamped.
- (6) No legal practitioner shall be permitted to appear in any appeal under this Act or under the rules made thereunder except in appeals before the Commissioner.
- (7) Rules may be made under this Act providing for appeal from the orders of canal officers and canal subordinates regulating the procedure to be followed in such appeals, and prescribing periods of limitation therefore.

- a. Such rules may require that specified appeals or classes of appeals shall lie only to a specified revenue officer.

**24. Revision** – A Commissioner may, at any time, inquire into the propriety of any order passed by a Collector who is subordinate to him and any canal officer may, at any time, inquire into the propriety of any order passed by a canal officer or canal subordinate who is subordinate to him, and may pass such order in reference thereto as he may think fit; Provided that he shall not reverse or vary any order so as to affect adversely the rights of any private person without having given to such person an opportunity to be heard.

**25. <sup>1</sup> Canal Officer to have certain powers of Civil Court.** – The Canal officer conducting an enquiry in the discharge of his duties under this Act, or the rules made thereunder shall have the power of a Civil Court under the code of Civil Procedure, 1908 (No. V of 1908), for the purposes of receiving evidence, administering under this Act and the rules made there under shall be deemed to be judicial proceedings within the meaning or section 228 of the India Penal Code, 1860 (No 45 of 1860).

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| <ol style="list-style-type: none"><li>1. Section 25 is substituted by irrigation (Amendment) Act, 1973 (No. 42 of 1973) vide Section 4 of the said Act.</li></ol> |
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**Chapter III**  
**Right in water**

- 26. Right of the Government in water** – All rights in the water of any river, natural stream or natural drainage channel, natural lake or other natural collection of water shall vest in the Government, except to the extent to which rights may have been acquired in water affected by a notification published under section 27 prior to the publication of such notification.
- 27. Bar of accrual of rights in water to the detriment of a project canal-** when the state Government proposes to construct a canal it shall publish a notification declaring its intention and indicating the site of the head – works and there upon no right shall be acquired against the Government under section 15 or section 16 of the Indian Easements Act, 1882 ( No. 5 of 1882), in the water of any river, natural stream or drainage channel, lake or other natural collection of water, any of whose waters will supply the canal when constructed.
- 28. Bar of accrual of rights in water to the detriment of an existing canal.** – No rights shall be acquired against the Government under section 15 or Section 16 of the India Easements Act, 1882 (No. 5 of 1882), in the water of any river, natural Stream or natural drainage channel, lake or other natural collection of water, any of whose water supply a canal existing or under construction at the commencement of this Act.
- 29. Rights to supply of water from a Canal** – No rights shall be acquired against the Government, whether under section 15 or section 16 of the India easements Act, 1882, or otherwise, to the supply of water from a canal, save in accordance with the provisions of this Act or under a grant from the Government.
- 30. Compensation for damage** – (1) No claim for compensation shall lie against the Government for any damage arising from –
- a. The stoppage or diminution of the percolation or flow of water; or
  - b. the deterioration of climate or soil; or
  - c. the stoppage of navigation, or of the means of drifting timber or watering cattle;

Provided that compensation shall be payable where, as a result of the construction of a canal-

- (i) the rent or revenue of any land has been reduced, or
- (ii) the supply of water to or from a tank or other constructed work has been diminished.

<sup>1</sup> [(1-A) In determining the amount of such compensation, regard shall b 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 fifteen times the amount of diminution of the annual net profits of such property, caused by the powers conferred by this Act.

- (2) Claims under this section may be enforced by application made to the Collector within one year from the reduction of the rent or revenue, or the diminution of the supply.
- (3) Any persons aggrieved by the decision of the Collector under sub-section (2) may, within six months from the date of such decision, institute a suit in a civil court to have such decision set aside or modified.

1. Inserted vide M.P. Extension of laws Act, 1958 (No. 23 of 1958).
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## Chapter IV

### Construction and Maintenance Of Canal

**31. Power to enter and survey etc-** Any canal officer, or any person acting under the general or special order of a canal officer may:-

- (a) enter upon any lands adjacent to any canal or water course or through which any canal or water – course is to be made, and undertake surveys or levels thereon;
- (b) dig and bore into the sub-soil;
- (c) make and set up suitable land – marks, water gauges and other apparatus;
- (d) do all other acts necessary for the proper prosecution of any inquiry relating to any existing or projected canal or water – course under the charge of the said canal officer;
- (e) where otherwise such inquiry cannot be completed, cut down and clear away any part of any standing crop, fence or jungle; and
- (f) enter upon any land or building for the purpose of inspecting or regulating the use of the water supplied, or of measuring the lands irrigated there by or chargeable with canal revenue and of doing all things necessary for the proper regulating and management of any canal:

Provided, that if such canal officer or person proposes to enter into any building or any enclosed court attached to a dwelling house, he shall give the occupier of such building or court at least three days' notice in writing of his intention to do so.

- (2) After entry under this section, the canal officer shall, before leaving, tender compensation for any damage which may have been caused by any proceeding under this section; and, in case of dispute as to the sufficiency of the amount so tendered, he shall refer the matter for decision by the Collector, Such decision shall be final, and no suit shall lie in a civil court to have it set aside or modified.

**32. Power to enter for repairs and to prevent accidents.-** In case of any accident happening or being apprehended to a canal, any canal, officer or canal subordinate, 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.

- (2) In every such case the Executive Engineer shall tender compensation to the proprietors or occupiers of the said lands for all damage caused there to. If such tender is not accepted, the Executive Engineer shall refer the matter to the Collector and compensation for the damage shall be determined as though the State

Government had directed the occupation of the land under part VI of the Land Acquisition Act, 1894 (No. 1 of 1894)

**33. Power to prohibit obstructions or to order their removal-** Whenever it appears to the State Government that injury to any land or to the public health or public convenience has arisen or may arise from the obstruction of any river, stream or drainage channel it 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 modification of such obstruction.

**34. Power to remove obstructions –** (1) The Collector or any canal officer authorized by the State Government in this behalf may, after such publication, issue an order to the person causing or having control over such obstruction to remove or modify it within a time fixed in the order.

(2) if, within the time so fixed, such person does not comply with the order, the Collector or said canal officer may remove or modify the obstruction, and the expenses incurred in such removal or modification shall be recoverable as appears of land revenue.

**35. The Government to provide means of crossing canals –** (1) accordance with rules made under this Act a revenue officer and canal officer shall make a joint inspection of the alignment of all canals to be constructed and maintained at the cost of the Government, and shall make a second joint inspection of all such canals after not less than three years from the completion of such canals and shall report to the Collector, where, in their opinion, means of crossing such canals should be provided for the reasonable convenience of the inhabitants of the adjacent lands.

(2) The State Government shall cause suitable means of crossing such canals to be constructed at the cost of the Government at such places as it think fit.

(3) If at any time after the second of such inspections, five or more of the permanent holders of such lands apply to the Collector for the construction of further means of crossing, he shall cause an inquiry to be made and if he think that further means of crossing should be constructed, he shall forward his opinion to the State Government which shall cause such measure to be taken as it thinks proper;

Provided that, if the local inhabitants deposit half the estimated cost of constructing such a means of crossing for the passage of traffic, the State Government shall cause it to be constructed, such crossing to be the property of the Government; and if the estimated cost exceeds the actual cost, the State Government shall refund half the difference;

Provided further that, if the Collector has once caused an inquiry to be made under this section, it shall not be necessary for him to cause a second inquiry to be made into the same matter.

- (4) No suit shall lie in a civil court against the Government to enforce the construction of a crossing of a canal, or to enforce the alteration of a crossing or for compensation for damage arising for the absence or inadequacy of any crossing or to modify or set aside any scheme framed or order passed under this section.

**Explanation** – Suitable means of crossing canals include means of the passage of the traffic and of water

**36. Power to impress labour in emergency** – (1) When ever it appears to the Executive Engineer, or to any Sub-Divisional officer acting under his general or special orders in this behalf, that, unless some work is immediately executed, such serious damage will happen or continue to any canal as is likely to cause or continue to cause serious public injury or serious interruption of the normal course of irrigation- and the labour necessary for the proper execution there of cannot be obtained in the ordinary manner in time to prevent such injury or interruption or to remedy it with in a reasonable time.

- The Executive, Engineer, or any Sub-Divisional Officer acting under the said orders, may, by public proclamation by beat of drum, require every permanent holder and occupier of irrigable land resident in any village within five miles (8 km) of the place where the work is to attend in person at such place and to carry out such duties as may be allotted to them.

- (2) If, in the opinion of the Executive Engineer, or of any Sub-Divisional Officer acting under the said orders , the amount of labour likely to attend in pursuance of an order under sub section (1) is not sufficient, he may at any time in like manner and subject to the same conditions issue a like order requiring the attendance of all cultivators or of all agriculture labourers or of both resident within five miles (8km) of the place where the work is to be executed.
- (3) The rates of wages to be paid for such work shall not exceed those current in the neighborhood for similar work, and any person attending in compliance with the proclamation shall be paid for the whole period during which he is there by prevented from following his ordinary occupation.
- (4) No person shall be required to carry out any duties under this section for which such person is unfit by reason of age, sex or bodily infirmity or social position.

## Chapter V

### The Supply of Water from Canals and Charges therefor.

#### 37. Purpose for which water may be supplied

- (1) Water may be supplied from a canal:-
  - a. Under an irrigation agreement, in accordance with the provisions of Chapter VI;
  - b. On demand, for the irrigation of specified areas;
  - c. To supplement a village tank ;
  - d. For industrial urban or other purposes not connected with agriculture;
  - e. <sup>1</sup>For the irrigation of a compulsorily assessed area
- (2) Charges for the supply of water under clause (a), (b),(c), <sup>2</sup>[or (e)] of sub – section (1) shall be paid at such <sup>3</sup>[rates as may be fixed by the State Government in accordance with rules made under this Act.

**37-A<sup>4</sup>. Reduction or remission of charges for supply of water -** Notwithstanding anything contained in this Act or the rules made thereunder, the State Government may by notification, reduce or remit the whole or any part of the charges for the supply of water under sub-section (1) of section 37.

**<sup>4</sup>[37-B. Submerging tank.-** (1) The State Government may on an application made by not less than fifty percent of the permanent holders and occupiers of land in any particular area for construction of a submerging tank in that area, undertake the construction of such tank at the cost of the Government subject to such terms and conditions as may be prescribed.

- (2) Where the State Government undertakes to construct a submerging tank under sub-section (1), the terms and conditions prescribed under sub-section (1), shall be binding on all the permanent holders and occupiers of land likely to be covered by the submerging tank irrespective of the fact whether they are signatories to the application or not.
- (3) Where submerging tanks constructed and maintained by the State Government are in existence prior to the commencement of the Madhya Pradesh irrigation (Amendment ), Act 1973, the terms and conditions prescribed under sub-section (1) shall be binding on all the permanent holders and occupiers of lands covered by the submerging tank .
- (3) The Canal officer or any other officer authorized for execution for the purpose of this section shall during the period between 15<sup>th</sup> September and 1<sup>st</sup> October every year, in the

1&2. Inserted vide section 3 of M.P Irrigation (Amendment ) Act, 1945 (No. XI of 1945).

3. Section 37-B has been substituted vide section 5 of M.P. irrigation (Amendment) Act, 1973 (No. 42 of 1973).

4. Schedule or water rates approved by Govt. may be seen at the end of this act.

presence of the permanent holders and occupiers or their representatives-in-interest mark out the land actually submerged under water of the submerging tank in the village map by a contour line and obtain signatures on the map of the permanent holders and occupiers or their representative-In-interest present on the spot.

- (5) The permanent holders and occupiers of land within the contour line on the map shall be liable to pay water rate at such rates as may be determined by rules.

**38. Supply of water on demand.-** (a) Water may be supplied from a canal at any time for the irrigation of specified areas at the discretion of the Executive Engineer.

- (2) Water supplied on demand shall be paid for according to the area actually irrigated. In determination of such area the decision of the Executive Engineer shall be final and shall not be modified or set aside by any civil court.

The water-rates for such supply are called "demand rates".

- (3) Rules may be made under this Act regulating the procedure of canal officers in receiving application for water on demand, in supplying water on demand, and in assessing canal revenue.

**39. Supply of water to supplement village tanks.**

1. Water may be supplied at any time to supplement a village tank at the discretion of the Executive Engineer.
2. Rules may be made under this Act prescribing the conditions on which water may be supplied under this section and regulating the procedure of canal officers in giving such supply.

**40. Supply of water for industrial, urban or other purposes.-** The conditions for the supply of water for Industrial, urban or other purposes not connected with agriculture, and the charges therefor, shall be as agreed upon between the State Government and the company, firm, private person or local body concerned and fixed in accordance with rules made under this Act.

**40-A. Supply of water to compulsorily assessed area,**(1) Water may be supplied from a canal at any time to irrigate a compulsorily assessed area in accordance with the rules made under this Act.

(2) Rules may be made under this act prescribing the conditions on which water may be supplied under this section, and regulating the procedure of canal officers in giving such supply.

**41. Control of supply of water from outlets.-** Water for the irrigation of land, or to supplement village tanks, or for an industrial, urban or other purpose not connected with agriculture, may be taken only from such outlets as may determined from time to time by the Executive Engineer for the special needs of such land, system or purpose.

**42. Power of State Government with regard to irrigation from private irrigation works.-**

If, as a result of the construction of a canal the area irrigated from any private irrigation work in its proximity is increased beyond the area recorded as irrigable at the last settlement, the State Government may, without prejudice to its rights, if any, recorded at such settlement, direct that such water-rate as it may deem fit shall be charged on such increase of area;

Provided that no water-rate shall be charged, if on inquiry it is found that the Increase in the area has been due to any improvement of the private work since the settlement.

**43. Unauthorized use and waste of water.-** (1) Water is said to be used in an unauthorized" manner when its use gives rise to, or may be expected to give rise to~ benefits of any kind and

(a) When it is allowed or caused to flow on to land, or into a village tank, or into a private system of Irrigation, or into any system for the supply of water for an industrial, urban or other purpose not connected with agriculture, so that the owners or occupiers of such land or system ~ thereby obtain for such land or system water to which they are not entitled under the provisions of this Act or of the rules or of any agreement or contract made there under or

(b) When it is taken from any canal, outlet or water-course In contravention of any of the provisions of this Act or of the rules made thereunder or of any order by a canal officer passed thereunder.

(2) Water which is allowed or caused to escape from a canal, water course or field in such a manner that no benefits arise from its consumption is said to be "wasted".

**44. Rate for unauthorized use and waste of water.**(1) Cultivated land on which water has been used In an unauthorized manner shall be subject to the payment of water rates; such rates are called" rates for unauthorized use ".

(2) Rates for unauthorized use shall be payable by the occupiers of the land concerned:

Provided that, if such occupiers can prove to the satisfaction of a canal officer that the unauthorized use was due to the act or omission of another person, the canal officer may levy such rates, or a portion thereof, from such other person.

- (3) When water is used in an authorized manner otherwise than on cultivated land, the Executive Engineer may make an estimate of the volume of water used, and may determine the persons responsible for such use and the persons who have been benefitted thereby. Such water may be charged for at bulk rates to be prescribed from time to time by the State Government, and the charges shall be distributed among the persons responsible and the persons benefitted by such use at the discretion of the Executive Engineer.
- (4) When water is wasted, the Executive Engineer may make an estimate of the volume of water wasted, and may determine the persons responsible for such wastage. Such water may be charged for at bulk rates to be prescribed from time to time by the State Government and the charges shall be distributed among the persons responsible at the discretion of the Executive Engineer.
- (5) The levy of rates for unauthorized use or waste shall not bar a prosecution for any offence connected with such use or waste.
- (6) No suit shall lie in a civil court contesting any decision made by a canal officer under this section or by the Collector on appeal from such decision.
- (7) Rules may be made under this Act regulating the procedure of canal officers in imposing liability for, and in assessing, canal revenue payable under this section.

**[ 44-A. Discharged waste water to vest in State Government.** - (1) All rights in the water discharged as waste water after its use for the purpose for which it was supplied under section 40 shall vest in the Government.

(2) The use of waste water by any person other than the one who discharges such water after use shall be subject to payment of water rate at such rates as may be prescribed and such water rates shall be payable by the person utilizing such waste water.

**<sup>2</sup>[44 - B. Water rate for utilization of drain out water from. submerging tank.** - The permanent holders and occupiers of land situated outside the boundary of a submerging tank who utilize water discharged from the sluice and escapes of the said tank for purpose of cultivation shall be liable to pay water rate at such rates as may be prescribed.

1, 2. Section 44-A & 44-B inserted vide Section 6 of M. P. Irrigation (Amendment) Act, 1973 (No. 42 of 1973).

**Chapter - VI**  
**Irrigation Agreements**

**<sup>3</sup>[45. Power to make irrigation agreements.**

(1) Agreement may be made, between the State Government and the permanent holders of land for the supply of water for Irrigation either for a short term not exceeding one year or for a long term exceeding one year, at such rates as may be fixed by the State Government, from time to time:

Provided that, If the State Government considers it necessary to do, short term agreement may also be made with occupiers of land.

- (2) Agreements made in accordance with sub section (1) are called " Irrigation Agreements" and the water rates payable thereunder are called .. agreement rates ".
- (3) The State Government may divide the State into Zones for the purpose of short term agreements and long term agreements and may declare area wherefor no agreements shall be made.

3. Section 45 inserted vide section 45 of M. P. Irrigation (Amendment) Act, 1973 (No. 42 of 1973).
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- (4) Agreements under this section shall be made in accordance with the provisions of this Chapter and the rules made thereunder.

**46. Scope of irrigation agreements.-** Irrigation agreements --

- (a) shall be for the irrigation of one or more specified crops, which are called, " If crops under agreement" ;
- (b) shall be made with the permanent holders of all irrigable land in a village, Mahal or Chak cultivated with the crops under agreement; and
- (c) when duly made in accordance with the provisions of this Chapter, shall be binding to the terms of the agreement. on the permanent holders and occupiers of
- ( i ) all Irrigable land in the village, Mahal or Chak under cultivation with the crops under agreement at the time from which the agreement has effect or at any time during two years prior thereto,

Provided that where a scheme of consolidation has been confirmed in respect of any land under the provisions of the Madhya Pradesh Consolidation of Holdings Act, 1928 (No.8 of 1928), the irrigation agreements shall, from the year in which the permanent holders and occupiers, if any, are put into possession of the holdings:

- (a) be binding on the permanent holders and occupiers if any of all cultivable land newly received in exchange for land which has ceased to be under cultivation; and

- (b) ceased to be binding on the permanent holders and occupiers, if any, of all land which has ceased to be under cultivation;
- (ii) all land described in sub-clause (i) together with such land as may be cultivated with the crops under agreement at any time during the period of agreement  
Land of the permanent holders and occupiers whereof an agreement is binding is called "land under agreement".

**47. Main incidents of irrigation agreements.**-In addition to any incidents applying generally to liability for payment of water rates, all irrigation agreements shall be subject to the following incidents, namely:

- (a) canal revenue payable thereunder shall be payable
  - (i) if the case falls under clause (c) (i) of section 46 for every year on all land under agreement, whether it has been sown or not and irrigated or not, and
  - (ii) if the case falls under clause (c)(ii) of section 46 for any year on all land under agreement, which has been sown that year with any of the crops under agreement, whether it has been irrigated or not
- (b) the canal revenue payable on any land for any year shall be collected from the occupier or, on his default, from the permanent holder of such land
- (c) at any time when the amount of water available is deficient, or when damage is anticipated to the canal if a full discharge of water is delivered, its supply may be regulated in such manner as the Executive Engineer may determine
- (d) no claim shall arise against the Government for compensation for any loss arising from a failure or shortage in the supply of water for irrigation or from an excess of such supply:

Provided that rules may be made under this Act providing for the remission of agreement rates where there has been a failure of crops or a failure to deliver water owing to a defect in the head-works or distribution system.

- 48. Consent to agreement where land is in possession of sub-tenant.**- (1) Where the title of an occupier of irrigable land who is not the permanent holder thereof is such that it will lapse on or before the expiry of the agricultural year next following the date of an irrigation agreement applicable to such land, the consent of the permanent holder of such agreement shall be binding on such occupier in respect of such land.
- (2) Where the title of an occupier of irrigable land, who is not the permanent holder thereof, is such that it will continue after the expiry of the agricultural year next following the date of an irrigation agreement not applicable to such land, the consent

of such occupier shall be necessary to the validity of the consent of the permanent holder.

Section-49 ]

**49. Consent to agreement where land is held jointly by Proprietors.-** (1) Where land is held jointly by two or more co-sharers in the proprietary right of a village, the consent of the lambardar or lambardar gumashta appointed for such land under [section 187 of the Central Provinces land Revenue Act, 1917 (No 2 1917)] shall be binding on every co-sharer In respect of such land if he has received notice of the proposed agreement and has failed, within a week from the receipt of notice to lodge an objection in writing with the canal officer, taking the agreement.

(2) Notwithstanding anything contained In sub-section (1) when co-sharers holding not less than two thirds of the interest in land held jointly by two or more co-sharers in the proprietary right of a village or mahal have given their consent to a proposed agreement in accordance with the provisions of this Chapter, the consent of the co-sharers holding the remaining interest shall be deemed to have been given.

**50. Consent to agreement where land is held by nonresident proprietor.-** Where land is held by a proprietor of a village who does not reside in the village, the consent of the lambardar or lambardar-gumashta appointed for such land under <sup>1</sup>[section 187 of the Central Provinces land Revenue Act, 1917 (2 of 1917)] shall be binding on such proprietor In respect of such land, if after receiving notice of the proposed agreement he fails, within a week from the receipt of notice, to lodge an objection in 'writing with the canal officer taking the agreement.

**51. Special rule when all permanent holders do not consent.-** When either the permanent holders of not less than two-thirds of, or not less than 95 per cent of the permanent holders of all the irrigable land in a village, Mahal or Chak cultivated with crops under agreement have given their consent to a proposed irrigation agreement in accordance with the provisions of this Chapter, the proposed agreement, if accepted by a Canal Deputy Collector or by an Irrigation Inspector specially authorized In this behalf by the Executive Engineer, shall be deemed to be an irrigation agreement binding on the permanent holders of all irrigable land in such village, Mahal or Chak cultivated. with crops under agreement:

<p>1. This Act is repealed. M.P. Land Revenue Code, 1959 may now be seen.</p>
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Provided that no agreement for a Mahal or Chak shall be accepted without the general or special consent of the State Government or of a canal officer specially authorized in this behalf by the Government.

**52. No consent to be presumed without previous notice.-** (1) The provisions of section 49, 50 and 51 shall not apply unless a notice has been published in the village concerned by a canal officer that he proposes to take an irrigation agreement in that village.

(2) Such notice shall be posted in writing in some prominent place in the village and shall be proclaimed by beat of drum at least fourteen clear days before the agreement is finally made.

**53. Inclusion of wet land.-** The permanent holder of wet land which is commanded by a canal may apply to a canal officer to have his wet land included in an irrigation agreement relating to the village, Mahal or Chak in which such land is situated, and, if his application is granted, he shall be entitled to the supply of water in accordance with the terms of such agreement, but with such deduction if any from the agreement rates as may be prescribed by rules made under this Act.

**54. Inclusion of land irrigated by Lift.-** The permanent holder of land which is not commanded but is capable of being irrigated from a canal or water course by means of any mechanical contrivance designed to lift the water therein, may apply to a canal officer to have such land included in an irrigation agreement, and, if his application is granted, he shall be entitled to the supply of water in accordance with the terms of such agreement, in so far as they may be applicable, but with such deduction, if any, from the agreement rates as may be prescribed by rules made under this Act.

**55. Cancellation of agreement by mutual consent.-**(1) An Irrigation agreement may be cancelled by mutual consent between the State Government and the Permanent holders of not less than two-thirds of, or not less than 95 percent of the permanent holders of, the land under agreement at the time of such cancellation.

(2) The provisions of sections 48, 49, 50, 51 and 52 shall apply to the cancellation of an irrigation agreement as if consent to the cancellation were consent to the making of such agreement.

**56. Cancellation of agreement for failure to maintain water course.-** The Superintending Engineer may, at any time, after giving *notice*, cancel an irrigation agreement if, in his opinion, the permanent holders and occupiers bound thereby persistently fail to maintain their water courses in proper repair.

- (2) An order by the Superintending Engineer under this section shall be in writing, and shall be published in the village concerned by beat of drum.
- (3) Thereupon the irrigation agreement shall cease to have effect, and no suit shall lie in a civil court contesting the validity of the Superintending Engineer's order or making any claim whatsoever against the Government by reason of such cancellation.

**57. General power to cancel agreements.-** (1) With the previous sanction of the State Government the Superintending Engineer may at any time cancel any irrigation agreement; and in such case the measure of damages in respect of any land under agreement shall be double the amount of the canal revenue which would have been payable in respect of such land for the remainder of the period of the agreement.

- (2) Rules may be made under this Act regulating the distribution among permanent holders and occupiers, of the damages payable by the Government, and regulating the procedure of canal officers in making such distribution.
- (3) When damages have been distributed and paid or tendered *in* accordance with the provisions of this section and the rules made there under, no suit shall lie in a Civil Court contesting the validity of the cancellation, or making any claim whatsoever against the Government by reason of such cancellation.

**58. Powers to make rules.-** In addition to any rules for which provision is made in this Chapter, rules may be made under this Act

- (a) prescribing the periods and the crops for which irrigation agreement may be made;
- (b) prescribing the forms of irrigation agreements, and providing for the inclusion therein of incidents and conditions in addition to but consistent with those contained in this Act; and
- (c) regulating the procedure of canal officer in carrying out their duties under this Chapter.

<sup>1</sup>**Chapter VI-A**  
**Betterment Contribution**

<sup>2</sup>**[58-A. Definition of " new canal" and "commanded area".-** For the purposes of this Chapter -

(a) The expression " new canal" means

- (i) a canal. the construction of which has been under taken on or after the 1st April, 1951 i or
- (ii) such existing canal, the improvement or extension of which has been undertaken on or after the said date ;

and the cost of construction or improvement or extension, as the case may be, whereof is 5 lakhs of rupees or more or which has an irrigable capacity of one thousand acres or more i and which has been notified as a new canal by the State Government ;

- (b) . "commanded area" in relation to a new canal means the area comprising of all land which may be irrigated from that canal by the flow of water under gravity and without the need of lifting or pumping the water ;

Provided that in relation to a new canal provided by improving or extending an existing canal. the area which was being irrigated already by such existing canal shall be deemed not to have been comprised in the commanded area.

<sup>3</sup>**[58-B. Deleted.**

<sup>4</sup>**[58-C. Levy of betterment contribution,-** (1) As from such date as the State Government may, by notification, appoint, such date being not earlier than three years from the commencement of the operation of a new canal, there shall be levied on every permanent holder of land, whose land is situated within the commanded area, betterment contribution at the following rates

1. Chapter inserted vide M.P. Irrigation (Amendment) Act, 1960 (No. 23 of 1960). 2, 3, 4.- Section 58-A & 58-C substituted and section 58-B deleted vide M.P. Irrigation (Amendment) Act, 1968 (No. 13 of 1968). Betterment contribution shall be levied from 1st Jany 1983 vide Irrigation Deptt. Notification No. F/29/78/78/ MM/39 dated 31-3-83.

- a) Rs. 140/- per acre, payable in one lump sum; or
- b) Rs. 224/- per acre payable consecutively for twenty years, excluding the years in which recovery thereof may be postponed by the State Government in accordance with section 58-I, as under:-
  - ( i ) Rs. 8/- per acre per year for the first five years;

(ii) Rs. 12 per acre per year for the next fourteen years;

(iii) Rs. 16 per acre for the twentieth year.

(2) The betterment contribution levied under sub-section (1) may, at the option of the permanent holder, be paid by him in one lump sum within three months from the date appointed under sub-section (1) or in twenty annual installments, the first installment being payable within two months from the date appointed under sub-section (1) and the subsequent annual installments being payable within one month from the date on which they would be due for payment in each subsequent year;

Provided that if the permanent holder who has undertaken to pay the betterment contribution in annual installments desires, at any time after the payment of the first or subsequent installment, to make payment in one lump sum, he shall be required to pay per acre in full the amount equal to the difference between Rs.140/ together with interest thereon calculated at the rate of 4.5 percent per annum for the period from the date appointed under sub-section (1) till the date of such payment in lump sum and the amount already paid by him by way of such installments.

(3) Any installment of betterment contribution or part thereof which remains unpaid on the expiry of the period under sub-section (2) shall with effect from the date on which such period expires, carry interest at the rate of 6 percent per annum.

Provided that when the recovery of any installments is postponed under section 58-I, such installments shall not be deemed to be remaining unpaid for the purpose of this sub-section during which the recovery thereof remains postponed.

(4) If the State Government is satisfied that the levy of betterment contribution is likely to cause hardship to any permanent holder or class of such holders in any commanded area, the State Government may, by notification, exempt such holder or such class of holders in such area from payment of the amount of betterment contribution in whole or in part, as may be specified in the notification, subject to such terms and conditions, if any, as the State Government may deem fit to impose.

**Explanation.-** For the purposes of sub-section (4), the levy of betterment contribution shall be deemed to cause hardship, if

- i) as a result of new canal, the price of land situated in a commanded area has not risen by more than fifty per centum over the prices prevailing prior to availability of irrigation facilities from such canal;
- ii) the permanent holder who having already constructed private irrigation work, prior to the commencement of the new canal, on his land does not desire to avail of the irrigation facilities from such new canal.

<sup>1</sup>**[58-D. Notification of command area by State Government.-** Before appointing the date under sub-section (1) of section 58-C from which betterment contribution shall be levied the State Government shall issue a notification

- (i) Specifying the commanded area defining the boundaries thereof;
- (ii) Appointing the place or places at which the particulars of holding of permanent holders whose lands are situated in the commanded area specified in clause (i) can be seen;
- (iii) Appointing a Revenue Officer not below the rank of a Sub-Divisional Officer (hereinafter referred to as the Authorized Officer) who shall enquire into and determine the amount of betterment contribution payable by each permanent holder; and
- (iv) Specifying a date not less than three months from the date of the publication of such notification and requiring every permanent holder in the said area who objects to the inclusion of any land within the

1. Section 58-D substituted vide section 4 of M.P. Irrigation (Amendment) Act, 1968
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Commanded area or to the correctness of any particulars regarding his holding to present to the Authorized Officer a written objection on or before such date, stating the nature of his objection and the relief sought by him.

<sup>1</sup>**[58-E. Proclamation by Authorized Officer.-** The Authorized Officer shall, as soon as may be, after the issue of the notification, cause to be published in the regional language of the commanded area a notice of the issue of such notification by beat of drum and also by affixing copies of the notice at conspicuous places in all villages in the commanded area specified in the notification issued under section 58-D. Such notice shall also state the time and place at which the Authorized Officer shall enquire into the objections preferred under section 58-D.

<sup>2</sup> **[58-F. Inquiry by Authorized Officer.-** The Authorized Officer shall, at the place stated in the notice under section 58-E, make such enquiry into the objections preferred under section 58-0 as may appear necessary and after giving an opportunity of being heard to the permanent holder preferring an objection. pass such orders thereon as he may think fit.

<sup>3</sup>**[58-G. Powers of Authorized Officer.-** For the purposes of section 58-F, the Authorized Officer shall exercise the powers conferred on a Revenue Officer of his grade and follow the procedure laid down, for the purpose in the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959 ), and the *rules* made thereunder.

<sup>4</sup>**[58-H. Determination of Betterment contribution payable by holders.-** (1) After the objections, if any. preferred under section 58-0 have been disposed of, the Authorized Officer shall make an order specifying -

- (a) the lands (with Khasra Nos. and area) commanded by the new canal;
- (b) the betterment contribution payable by each permanent holder in respect of the land specified under (a) above.

1-4. Section 58-E, 58-F, 58-G and 58-H substituted vide M. P. Irrigation (Amendment) Act, 1968 (No. 13 of 1968).

(2) The order shall be notified in the prescribed manner, and a copy thereof shall be placed *for* public inspection at such place or places and *for* such time as may be prescribed.

**[58-H.H. Appeal.**-An appeal shall lie against every order passed under section 58-H to the authority competent to the Madhya Pradesh land Revenue Code, 1959 (No.20 of 1959), from an officer of the same grade under the said Code and the provisions of sub-section (2) of the said section shall thereon apply accordingly;

Provided that no appeal shall be entertained unless -

- (i) in the case of first appeal, it is filed within 60 days *from* the date of the order appealed against; and
- (ii) in the case of second appeal, it is filed within 90 days from the date of the order appealed against:

Provided further that

- (i) in computing the period aforesaid, the time requisite for obtaining a copy of the order appealed against shall be excluded; and
- (ii) the provisions of section 5 of the Limitation Act, 1963 (No.36 of 1963), shall apply to such appeals.

**58-H.H.H. Finality of Award.**-Subject to the orders passed In appeals under section 58-H.H. the order made under section 58-H shall be final.

**58-I. Suspension of payment of instalment.**- When the total land revenue or rent, as the case may be, payable by the permanent holder in respect of any land *for* which he is liable to pay betterment contribution is suspended in any year, the State Government may, notwithstanding anything to the contrary contained In this Chapter or rules made thereunder postpone for such period as it thinks fit the recovery of any instalment of betterment contribution.

1. Section 58-H.H inserted vide M. P. Irrigation (Amendment) Act, 1968 (No. 13 of 1968).

**58-J. Betterment Contribution to be recoverable as arrears of land revenue.-** (1) The betterment contribution under this chapter shall be payable to the Revenue Officers in the same manner as land revenue and in default of payment, it shall be recoverable as arrears of land revenue.

(2) The amount of betterment contribution realised shall be credited as State Revenue under such head as may be prescribed.

**58-K. Power to make Rules.-** Rules may be made for the purpose of carrying out the purposes of this chapter but in the absence of any rules so made the rules framed under Section 63 shall, so far as may apply in this behalf.

**[Chapter.- VI-B  
Irrigation Cess**

**58-L. Levy of Irrigation cess-** In addition to the water rates or other charges or levy leviable under the provisions of this Act, there shall be levied in respect of land under irrigable command of a canal, a cess called the irrigation cess at such rate and for such period as may be fixed by the State Government by notification:

Provided that having regard to the potentiality of perennial or seasonal supply of water from a canal different rates may be fixed for different canals.

(2) The Irrigation cess shall be payable by every permanent holder or occupier of land in the irrigable command of the canal.

**58-M. Power to reduce or remit irrigation cess** Subject to the rules made under this Act, the State Government may, by notification reduce or remit the whole or any part of the irrigation cess levied under section 58-L.

1. This Chapter has been added vide section B of M. P. Irrigation (Amendment) Act, 1973 (No. 42 of 1973).
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**Chapter VII**  
**Collection of Canal Revenue**

**59. Dates of payment of canal revenue.** - (1) Canal revenue payable under an irrigation agreement or for the supply of water on demand, or for the supply of water to supplement a village tank, or for the supply of water to a compulsorily assessed area shall fall due on such dates as may be prescribed in this behalf by rules made under this Act.

(2) Canal revenue payable for the supply of water for industrial, urban or other purposes not connected with agriculture, shall fall due on the dates specified in the agreement relating thereto.

(3) Canal revenue payable for the unauthorized use of, or for the waste of, water shall fall due on the dates on which demand is made for the payment thereof.

**60. Definition of arrear.** - Any sum payable as canal revenue which remained unpaid on the day following the date on which it is due is an arrear of canal revenue.

**61. Mode of recovery of arrears.**-Arrears of canal revenue shall be recoverable as arrears of land revenue.

**62. Irrigation Panchayats.** - <sup>1</sup> [(1) In accordance with the rules made under this Act, an Irrigation Panchayat shall be established for every village or chak, and at the discretion of the Collector, for a group of villages in the commanded area of canal. Such Panchayats shall consist of a Sarpanch and two or more members elected by the permanent holders and occupiers of the land from among themselves. such election shall be subject to the approval of the Collector, who shall have power to nominate one member to any Panchayat, and for reasons to be recorded in writing, to dismiss any member and to dissolve any Panchayat subject to an appeal to the Commissioner.

(2) Irrigation Panchayats shall <sup>2</sup> [(a) 'Deleted

<p>1. Sub-section 1 of Section 62, Substituted vide Section 9 (a) of M. P. irrigation (Amendment) Act, 1973 (No. 42 of 1973).</p> <p>2. Sub-section 2 (a) of Section 62 deleted vide M. P. Irrigation (Amendment) Act, 1950 (No. 50 of 1950).</p>
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(b) assist the officers of the Irrigation Department in arranging for the construction of water-courses, in recording and checking irrigation, and in making measurements and settling disputes;

(c) collect irrigation revenue and remit it to the treasury; and

(d) (d) arrange for the repair of water-courses.

- <sup>1</sup>[(3) Irrigation Panchayat shall have power to accept from any person, against whom a reasonable suspicion exists that he has committed an offence specified in rules made under this Act, a sum not exceeding fifty rupees for composition of such offence.
- (4) Money collected by a Panchayat under sub-section (3) shall be expended by the Panchayat, subject to the control of the Collector for any work of public utility in the village.
- (5) A member of such Panchayat shall be deemed to be a public servant for the purposes of the Indian Penal Code.

**63. Power to make rules for assessment and Collection** - Rules may be made under this Act regulating the procedure of canal officers and canal subordinates in assessing canal revenue and in applying to the revenue officers for collection of arrears of canal revenue and the procedure of revenue officers in collecting canal revenue.

**64. Mode of recovery of Miscellaneous revenue.**- All sums due to the Government for the right to cut grass, to graze cattle, to fish, to cultivate land, or to do other acts on land or in water under the charge of the Irrigation Department shall be recoverable as arrears of land revenue.

## Chapter VIII

### Construction and Maintenance of Water Courses

**65. Power to make water-course contracts.-** Contracts may be made in accordance with the provisions of this Chapter whereby the Government undertakes to construct water-courses and to bear the cost of construction and the permanent holders of Irrigable land undertake to maintain them and to bear the cost of maintenance Such contracts are called "water course contracts".

1. Sub-section (3) of Section 62, substituted vide Section 9 (b) of M.P. Irrigation (Amendment) Act, 1973 (No. 42 of 1973).

**66. Scope of water-course contracts.**

- (a) shall relate to the construction of water-courses for the irrigation of all irrigable land in a village, mahal or chak cultivated with one or more specified crops; and
- (b) shall be made with the permanent holders of all such land in a village mahal or chak ;

Provided that, when not less than one-half of such permanent holders, holding not less than two-thirds of all such land, have given their consent to a water-course contract in accordance with the provisions of this Chapter, the proposed contract, if accepted by Government shall be deemed to be a water course contract made with the permanent holders of all irrigable land in the village, mahal or chak cultivated with such crop or crops.

**67. Consent in certain cases.--** The provisions of *section* 48, 49, 50 and 52 shall apply to water-course contracts as if such contracts had been irrigation agreements.

**68. Water course to be property of Government.** Water-courses constructed under a water-course contract shall be the property of the Government.

**1[68.-A Constructions of water-courses for irrigating compulsorily assessed area.-**

Water-course may be constructed by the State Government for the irrigation of a compulsorily assessed area. Such water-courses shall be the property of the Government. but they shall be maintained by the permanent holders of land comprised in the compulsorily assessed area for the irrigation of which they are constructed and by such other permanent holders as may actually make use of them for irrigation purposes.

**68-B. Construction of water-course for irrigating any chak.-** Where in a chak not less than half a mile long or 80 acres in area, the State Government considers it

expedient to construct water-courses it may, notwithstanding anything in section 66, construct such water-course for such chak.

(2) Water-course constructed under sub-section (1) shall be the Property of the Government, but they shall be maintained by the permanent holders of the chak for the irrigation of which such water courses are constructed and by such other permanent holders as may actually make use of them for irrigation purposes.

1. Section 68-A inserted vide Section 7 of M. P. Irrigation (Amendment) Act, 1945 (No. 11 of 1945).
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**69. Irrigation Panchavat to be responsible for maintenance of water-courses.-** Subject to the provisions of section 68-A or section 68-8 the irrigation Panchyat shall, in accordance with the rules made under this Act, be responsible for the proper maintenance of all water-courses constructed for the village and may call upon the permanent holders and occupiers of al/ land whether under an agreement or within a compulsorily assessed area which is ordinarily Irrigated or may be irrigated through a water-course to render assistance in maintaining It, and in case of default to pay such sums as may be assessed by the Executive Engineer.

**70. Power to construct water-courses at cost of permanent holders - (1)** Notwithstanding anything contained in the foregoing provisions of this Chapter, the State Government may, subject to rules made under this Act, enter into a contract with one or more of the permanent holders of irrigable land in a village, mahal or chak whereby the State Government undertakes to construct water-courses and the permanent holders undertake to bear the cost of construction and maintenance .

(2) When land not held by a permanent holder bound by such contract is required for the construction of a watercourse, it shall be deemed to be required for a public purpose and shall be acquired in accordance with the provisions of the land Acquisition Act, 1894 (No.1 of 1894).

**71. Water-course to be an improvement.- (1)** A watercourse constructed under section 68-A or section 68-8 or section 70 shall be deemed to be an Improvement affecting all the land for whose irrigation the water course was constructed, within the meaning of clauses (5) section 2 of the Central Provinces Tenancy Act, 1920 (No.1 of 1920 ).

(2) When any village servant, who has entred into a watercourse contract In respect of any land In his village service holding, acquires the right of an occupancy tenant under the

provisions of section 48 of the Central Provinces Tenancy Act, 1920, he shall be deemed to have held the rights of an occupancy tenant under section 52 of the said Act at the time he entered into the contract.

**72. Power to require raiyats in raiyatwari village to maintain water-course.** - Where the State Government has constructed water-course in a raiyatwari village, it may require raiyats holding irrigable land in that village to maintain such water-course when, in the opinion of the State Government, such raiyats are in a position to do so.

**73. Power to have water-courses repaired.**-If at any time the Executive Engineer considers that a water-course, which has been constructed under agreement I (or under section 68-A) 2 [or section 68-B] or which the raiyats in raiyatwari village have been required to maintain, is not in proper repair:

- (a) he may, by public proclamation in the village, require that the repairs be made to his satisfaction on or before a specified date; and
- (b) if the repairs are not made to his satisfaction by such date, he may stop the supply of water to the water-course; or
- (c) he may cause the repairs to be made and may collect a sum not exceeding twice the cost thereof *from* the permanent holders *or* occupiers in proportion to the areas held by them in the land which is ordinarily irrigated or may be irrigated under an agreement through such water-course:

<sup>3</sup>[Provided that where a village, mahal or chak has ceased to be under an agreement or any area has ceased to be compulsorily assessed to water-rate, the State Government shall not require the maintenance of water courses therein until such village, mahal or chak again comes under agreement or such area is again compulsorily assessed.

**74. Recovery of sums due to Government.**- All sums recoverable by the State Government under any of the provisions of this chapter or recoverable by irrigation panchayats under section 69 may be recovered as arrears of land revenue.

**75. Powers to make rules.**-Rules be made under this Act

- (a) prescribing the forms of water-course contracts;
- (b) regulating the procedure of canal officers in discharging their duties under this Chapter;
- (bb) determining under section 68-B the liability of permanent holders and the manner in which it shall be discharged;
- (c) prescribing the liabilities of permanent holders and occupiers of land under section 69 ; and
- (d) prescribing the circumstances in which the assessment in a compulsorily assessed area may be cancelled.

1- 3. Inserted vide M. P. Irrigation (Amendment) Act, 1975 (No. 11 of 1945).

2. Inserted vide M. P. Irrigation (Amendment) Act, 1949 (No. 25 of 1949).

## **[Chapter VIII-A**

### **Construction and Maintenance of Field Channels**

**75-A. Power to apply provisions of this Chapter.** – The provisions of this Chapter shall apply to such area and from such date as the State Government may, by notification, appoint and different dates *may* be appointed for different areas.

**75-B. Power to require permanent holders & occupiers to construct or dig field channels.** -(1) If the executive Engineer considers it expedient or necessary in the interests of the general public that any permanent holder or occupier of irrigable land in a chak should construct or dig a field channel either singly or jointly with other holders or occupiers of such land, he may by a notice, call upon the permanent holders or occupiers concerned to show cause by a date not earlier than three weeks after the date of the issue of the notice to be specified therein as to why they should not be required to undertake the work specified in the notice.

- (2) The notice under sub-section (1) shall state the place where the plans and specifications of the work as approved by Executive Engineer *may* be inspected and shall be in such form as *may* be prescribed.
- (3) Any permanent holder or occupier on whom a notice is served under sub-section (1), namely may
  - (i) prefer an objection in writing before the date specified in the notice;
  - (ii) if he desires to be heard in person, appear before the Executive Engineer on such date;
  - (iii) state, whether he would execute the work himself or would prefer it to be executed at his cost by the State Government.
- (4) The Executive Engineer shall, after considering the objections that may be received, hearing the persons as may appear before him, and such further enquiry as he may deem necessary, pass orders specifying therein;
  - (i) the nature of the work to be undertaken;
  - (ii) the names of the permanent holders or occupiers required to undertake the work;

1. Chapter VIII-A has been added vide M. P. Irrigation (Amendment) Act, 1960 (*No.* 23 of 1960).

(iii) the period within which the work should be completed;

Provided that where not less than half of the permanent holders and occupiers on whom a notice is served under sub-section (1) have expressed their willingness for the work being undertaken at their cost by the State Government, the Executive Engineer may undertake the work and if so, the order shall state accordingly.

(5) A copy of the order under sub-section (4) shall be served upon every permanent holder or occupier to whom it relates and shall be published in such other manner as the Executive Engineer may deem fit.

(6) Any person aggrieved by the order of the Executive Engineer may prefer an appeal to the Collector within 30 days from the date of the order and the provisions of sub-sections (4) and (6) of section 23 shall apply to such appeals. Subject to the decision in the appeal, the order of the Executive Engineer under sub-section (4) shall be final.

(7) No appeal under sub-section (6) shall require to be stamped.

**75-C. Apportionment and recovery of expenses where work undertaken by Executive**

**Engineer.** - Where the work is undertaken by the Executive Engineer in pursuance of the proviso to sub-section (4) of section 75-6, he shall apportion and recover the expenses incurred in execution of the work in the manner laid down in sub-section (4) of section 75-D.

**75-D Permanent Holder Occupier to comply with the order of Executive Engineer. -**

(1) Unless the Executive Engineer has, in pursuance of the proviso to sub-section (4) of section 75-B, undertaken to execute the work, every permanent holder or occupier who is required/to undertake the work under the said sub-section shall, subject to orders of the Collector in appeal, if any, undertake and complete the work in accordance with the order as passed by the Executive Engineer.

(2) If out of the permanent holders or occupiers named in the order, the work is undertaken and completed by some of them they shall on completion of the same report the matter to the Executive Engineer stating therein the total expenses incurred in the execution of the work and the contribution of each towards the expenses so incurred.

(3) On receipt of the report under sub-section (2) the Executive Engineer shall in the prescribed manner apportion the expenses amongst the persons named in the final order under section 75-8 with due regard to the benefit likely to be derived by each of them from the work. If any person fails to pay his contribution towards the expenses as determined by the Executive Engineer, within the time specified in the

order, the amount of such contribution shall be recoverable from him as an arrear of canal revenue. The amount so recovered shall be distributed amongst the persons to whom it is due.

(4) If the work is not undertaken or is not completed within the period specified for the completion of such work or is not executed in accordance with the approved plans and specifications, the Executive Engineer may cause the work to be undertaken, completed or properly executed at the expense of the permanent holders or occupiers concerned, and where two or more persons were required so to undertake the work, shall apportion the expenses incurred in doing so among such persons, in such manner as may be prescribed with due regard to the benefit which each of them is likely to derive from the work. If any person fails to pay his contribution towards the expenses as determined by the Executive Engineer within the time specified in the order, the amount of such contribution shall be recoverable from him as an arrear of canal revenue.

**75-E. Maintenance of field Channels.**-(1) Every permanent holder and occupier of land receiving supply of water from a field channel constructed in accordance with the provisions of this Chapter shall. - .

- (i) maintain it in a fit state of repairs;
- (ii) allow the use of it to any person entitled to take water There from;
- (iii) construct and maintain all works necessary for the passage across such field channel and for affording proper communications across it for the convenience of the permanent holders and occupiers of the neighbouring land.

(2) If the Executive Engineer finds that any field channel is not maintained in a fit state of repairs or any work required to be constructed or maintained under clause (iii) of sub-section (1) is not so constructed or maintained, he may, after such notice as may be, prescribed to the permanent holder and occupier concerned, cause the field channel to be repaired or other works to be constructed or maintained at the cost of such permanent holder and occupier.

(3) The expenses incurred by the Executive Engineer under sub-section (2) shall be recoverable as an arrear of canal revenue from the permanent holders or occupiers required to construct or dig field channel under section 75-8 in such proportion as the Executive Engineer may determine, in accordance with rules framed under this Chapter.

**75-F. Obstruction or interference with water flowing in field channel prohibited in certain cases.** - (1) No person shall except in accordance with such rules as may be prescribed, do anything which obstruct or interferes or is likely to obstruct or interfere with the flow of water in any field channel.

(2) If any person contravenes the provisions of sub-section (1). he shall be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

**75-G. Bar of suits and proceedings.-** (1) No suit or other legal proceedings shall lie against the Government, at the instance of any person:

- (a) in respect of any act done or purporting to be done under this Chapter; or
- (b) on the ground that any field channel interferes or is likely to interfere with his rights in any manner.

(2) No suit, prosecution or other legal proceeding shall lie against any officer or servant of the Government for anything which is in good faith done or intended to be done in pursuance of the provision of this Chapter or any rule made there under.

**75-H. Power to make rules -** The Government may make rules to carry out the purposes of this Chapter.

## Chapter- IX

### Construction and Maintenance of Private Irrigation Works

#### **76. Power to make grants or loans for construction of private irrigation works. -**

Subject to rules made under this Act, the State Government may make a grant or loan of money to a permanent holder towards the cost of the construction or improvement of a private irrigation work.

#### **76-A. Grant of permission to permanent holder to construct dam etc., in any river, natural stream etc. -**

(1) Any permanent holder designing to construct a dam or any other work of similar nature in any river, natural stream, natural drainage channel, lake or other natured collection of water as part of a private irrigation work or a grant in aid irrigation work, may apply in writing in the prescribed form to the State Government through the Collector for such permission to construct such dam or work.

(2) If after making such inquiry as the Collector thinks fit, he is satisfied that application is in order, he shall call public notice of such application to be given at convenient places in the village and to publish in such newspapers as he considers necessary.

(3) Such notice shall state the prescribed particulars and shall require all persons having interest in such waters to appear personally or by agent before the Collector at any time and place therein mentioned (such time not being earlier than thirty days after the date of publication of notice), and to state the nature of the respective interest in the water in respect of which permission is sought and objection, if any. The Collector may in any case require such statement to be made in writing and signed by the party or his agent.

(4) On the day so fixed or on any other day to which the enquiry may be adjourned, the Collector shall enquire into the respective interests of the persons who appear before him and the objections made to grant of permission if any.

(5) After completing such enquiry, Collector shall forward to the State Government the application together with the papers of the Inquiry and his report. The State Government may, thereupon either refuse the application or grant the necessary permission in the prescribed form subject to such

Conditions as it may deem fit including the condition~ where necessary regarding payment to the person who in the opinion of the State Government is entitled to it, for the water likely to be appropriated by the permanent holder at a rate not exceeding the rate which the permanent holder would have been required to pay if

the same quantity of water had in similar circumstances been given to the permanent holder from any canal maintained by Government.

(6) The decision of the State Government, granting or refusing such application or imposing conditions including the conditions regarding the rate at which payment for water likely to be appropriated by the permanent holder is to be made shall be final and conclusive.

(7) Where the State Government decides to impose a condition regarding payment for the water likely to be appropriated by the permanent holder, the payment of the amount fixed under such condition to the person declared by the State Government to be entitled to it shall be a full discharge of the State Government and the permanent holder from all liability in respect of such payment, but shall not prejudice any rights in respect of the right to receive such payment to which any other person may be entitled by due process of law to enforce against the person to whom payment is made as aforesaid.

(8) Any sum payable under any condition attached to the permission under this section which remains unpaid on the day following the date fixed in that behalf shall be recoverable as arrears of land revenue.

(9) No claim for compensation shall lie against the Government in respect of anything done by the State Government under this section and no claim for compensation shall lie against the permanent holder in respect of any action taken in accordance with the permission received by him except as provided in sub-section (5) of section 90.

**77. Power to enforce maintenance of grant-in-aid irrigation works.-** Where any grant-in-aid irrigation work has been constructed or improved by or on behalf of a permanent holder he and his representatives-in-interest shall, in accordance with rules made under this Act, keep such work fit for the

purpose for which it was constructed or improved. If such work is at any time or in any manner rendered unfit or appears likely to be rendered unfit for such purpose, the permanent holder or his representatives-in-interest shall at once report the matter to the Executive Engineer and shall carry out such repairs as the Collector on consideration of the Executive Engineer's report may prescribe. If the permanent holder or his representatives-in interest fails to make such a report comply with the Collector order within such time as the Collector may specify, the grant received from the State Government for that work may be recovered from the permanent holder or his representatives-in-interest in such instalments and with such interest

as may have been agreed upon between the permanent holder and the State Government at the time when such grant was received by him. Any sum so due which remains unpaid after the date fixed for its repayment shall be recoverable as an arrear of land revenue.

**78. Application for acquisition of land for grant-in-aid irrigation works.-** Any permanent holder who desires to construct a private irrigation work towards the construction of which the State Government has sanctioned a grant or loan of money, and to acquire for such purpose the land of another may apply in writing to the State Government through the Collector stating:

- (a) that he has endeavoured unsuccessfully to acquire the land; and
- (b) that he desires the Collector on his behalf and at his cost, to acquire the land for him under this Act.

**79. Demarcation of land required for grant-in-aid irrigation works and estimate of cost.-** (1) If the Collector after making such enquiry as may be prescribed by rules under this Act, considers that the application should be granted, he shall require the applicant to deposit within such time as the Collector may specify, the estimated cost of the demarcation of the land which in his opinion it will be necessary to occupy for the construction of the work, and when such deposit has been made, the Collector shall proceed to demarcate such land and frame a preliminary estimate of the cost of acquiring it under this Act.

(2) If such deposit is not made within the specified time the Collector may dismiss the application.

**80. power of State Government to direct acquisition of land for grant-in-aid irrigation works.** The Collector shall report the result of his inquiry to the State Government which may, on receipt of such report either refuse the application or direct that the land demarcated be acquired by the Collector. .).

**81. Acquisition of land for grant-in-aid irrigation works.-** If the State Government directs acquisition of the land, the Collector shall proceed to acquire the land under the land Acquisition Act, 1894. (I of 1894 ), as if the State Government had directed the Collector to make order for the acquisition of the land under section 7 of that Act.

**82. Applications for acquisition of land for private irrigation works.-** Any permanent holder who desires to construct a private irrigation work for which no grant or loan has been sanctioned by the State Government and to acquire for such purpose the land of another person may apply in writing to the State 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.

**83. 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 not less than a month's notice for holding an inquiry and shall publish a notice for 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 permanent holders, and whether any such land should be acquired;
- (d) whether the statements in the application mentioned in section 82 are true; and (e) generally, whether the application should be granted.

**84. Demarcation of land required for private irrigation work and estimate of cost. -** (1)

If the Collector considers that the application should be granted he shall require the applicant to deposit within such time as the Collector may specify 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 when such deposit has been made, the Collector shall proceed to demarcate such land and frame a preliminary estimate of the cost of acquiring it under this Act.

(2) If such deposit is not made within the specified time the Collector may dismiss the application.

**85. Power of State Government to direct acquisition of land for private irrigation**

**works. -** The Collector shall report the result of his inquiry to the State Government which may on receipt of such report either refuse the application or direct that the land demarcated, be acquired by the Collector.

**86. Acquisition of land for private irrigation work.**(1) When the State Government directs acquisition of the land, Collector shall require the applicant to deposit within such time as the Collector may specify the cost of acquisition as estimated under section 82 and when such deposit has been made, shall proceed to acquire the land under the land Acquisition Act 1894, (1 of 1894) as if the State Government had directed the Collector to make order for the acquisition of the land under section 7 of that Act.

(2) If such deposit is not made within the specified time the Collector may, if he thinks fit, take no further proceedings.

**87. Condition of delivery of occupation to applicant.**

(1) If the final cost of acquisition is less than the amount deposited by the applicant under section 86, 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. If the applicant fails to do so, the Collector shall quash all proceedings hitherto taken and return the amount deposited under section 86 after deducting a tenth part thereof or the actual expenditure already incurred, whichever is greater.

(2) When the final cost of acquisition does not exceed the amount deposited by the applicant under section 86, 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.

(3) Thereafter the applicant and his representative-in interest shall construct and maintain, to the satisfaction of the Collector all works which in the opinion of the Collector are required for the passage of water or traffic 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.

**88. Delegation of powers by State Government.** - The State Government may delegate any of its powers under this Chapter to the Commissioner in which case reference to the State Government shall be construed as reference to the Commissioner.

**89. Result of applicant's failure to construct work or comply with conditions.** - (1) If an applicant or his representative-in-interest fails

- a. to construct the work for the purpose for which the land has been acquired under this Act; or
- b. to construct and maintain the necessary work in accordance with the conditions stated in sub-section

(3) of section 87 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 compensation paid to him after deduction

There from of the amount paid under sub-section (2) of section 23 of the Land Acquisition Act, 1894 (I of 1894) and other sum which *may* be awarded by the Collector for depreciation in 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 before the acquisition or in his representative-in-interest, as the case may be, subject to all the rights of other persons existing at the time of acquisition.

**<sup>1</sup>[89-A. Acquisition of the right of supply through an existing private water course. - (1)**

Any permanent holder of irrigable or wet land desiring to have the right of supply of water through a private water course of another person passing through, or by the side of, or within easy reach of such land *may* apply to the Collector.

(2) If the applicant undertakes to defray all cost involved in acquiring such right and to share the expenses made by the owner in the construction of the water-course, the Collector shall serve a notice on the owner to show cause why the right should not be granted.

(3) If the owner of the water-course raises no objection, the Collector *may* declare the applicant to be the joint holder of the water course on such conditions, as to the payment of cost, compensation or otherwise as *may* appear to him equitable.

**89-B. Construction of a private water course.-(1)** Subject to rules made under this Act, a permanent holder of irrigable or wet land in a village or chak *may* construct on his land a private water-course.

(2) Every permanent holder desiring to construct a private water course shall, before undertaking the construction thereof, make an application in writing to the Executive Engineer clearly disclosing therein the details of the proposed water course including its alignment, the land which is sought to be irrigated and such other particulars as *may* be prescribed.

(3) On receipt of the application, the Executive Engineer shall, after making or causing to be made such enquiry, as he deems fit, lay down the specifications for the construction of the

1. Section 89-A to 89.E inserted vide M. P. Extension of Laws Act, 1958 (No. 23 of 1958). Section 89-C ]
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private water-course and give such other direction in relation there to as he may consider necessary.

(4) Every private water-course shall be constructed in accordance with the specifications and directions given under sub-section (3).

(5) No private water-course shall be used for the supply of water from a canal for irrigation purposes unless it has been constructed in accordance with the specifications and directions given under sub-section (3).

**89-C. Occasional supply of water through Private water course.**-(1) Any permanent holder or occupier in a wet or irrigable area may apply to the Executive Engineer for supply of water from a canal.

(2) If it appears expedient that such supply should be given and that it should be conveyed through an existing private water course the Executive Engineer shall give notice to the owner of the water-course to show cause on a day not more than 14 days from the date of notice why the said supply should not be so conveyed.

(3) On the day fixed, the Executive Engineer shall after hearing the owner if present and making such enquiry, as he thinks fit, determine whether and on what conditions the said supply should be conveyed through the water-course.

(4) Any person aggrieved by the decision of the Executive Engineer under sub-section (3), may, before the expiry of thirty days from such decision, prefer an appeal to the Superintending Engineer and subject to the result of such appeal, if any, the decision of the Executive Engineer shall be final.

(5) Such applicant shall not be entitled to use the water course until he has paid the cost of any alteration of the water-course required for making the supply available through it and such charge for use of the water-course as the Executive Engineer may determine.

(6) The applicant shall also be liable to maintain the water course so long as he uses it.

**89-D. Obligation of persons owning or using private water-course.**- (1) Every permanent holder owning or using private water-course, shall:

(a) Construct and maintain to the satisfaction of the Executive Engineer all works which in the opinion of the Executive Engineer are required for the passage of water or traffic across the aforesaid private water-course existing previous to its construction and of drainage intercepted by such private water-course and for affording proper communication across it for the convenience of the neighbouring lands;

(b) maintain the water-course in proper repair so long as it is an area under an agreement or in a compulsory assessed area:

(c) allow its use in the manner and to the extent provided by section 89-C.

(2) If at any time the Executive Engineer considers in respect of a water-course referred to in sub-section (1) that the works mentioned in clause (a) of that sub-section have not been constructed or maintained or that the water-course is not in proper repair as required by clause (b) thereof:

- (a) he may, by a notice served upon the persons liable under sub-section (1) require that the construction or repairs be made to his satisfaction on or before a specified date: and
- (b) if the construction or repairs satisfaction by such date, he of water to the water-course: are not made to his may stop the supply or
- (b) he may cause the construction and repairs to be made and may collect a sum not exceeding twice the cost thereof from the permanent holders owning or using the water-course in proportion to the areas held by them in the land which is ordinarily irrigated through the water course.

**89-E. Application of section 89-A to 89-D.-** Provisions of sections 89.A, 89-8, 89-C and 89-D shall in the first instance, apply to the Madhya Pradesh and Vindhya Pradesh regions, and the State Government may: from time to time, by notification extend their application to such other areas as it may deem fit.

**90. Compensation for damage.-** (1) No. claim for compensation shall lie against any permanent holder for any damage arising from:

- a) the stoppage or diminution of the percolation or flow of water; or
- b) the deterioration of climate or soil; or
- c) the stoppage of navigation, or of the means of drifting timber or watering cattle.

Provided that compensation shall be payable where, as a result of the construction of a private irrigation work

- (i) the rent or revenue of any land has been reduced; or
  - (ii) the supply of water to or from a tank or other constructed work has been diminished.
- (2) Claims under this section may be enforced by application made to the Collector within one year from the reduction of the rent or revenue, or from the diminution of the supply.
- (3) Any person aggrieved by the decision of the Collector under sub-section (2) may, within six months from the date of such decision, Institute a suit in a civil court to have such decision set aside or modified.

**91. Power to make rules.-** In addition to any rules for which provision is made in this Chapter, rules may be made under this Act prescribing:

- a) the conditions on which grants or loans of money may be made under section 76 ;
- b) the manner in which the Government may enforce the proper construction and maintenance of grant -in-aid irrigation works;
- c) the circumstances in which applications under section 78 or 80 may be granted;
- d) the procedure in any Inquiry or proceeding under this Chapter; and

<sup>1</sup> [(e) the Circumstances in which and the conditions subject to which applications under section 89-B may be made.

1. Inserted vide M. P. Extensions of Laws Act 1958 (No. 23 of 1958).

**[Chapter IX-A  
Requisitioning of Tanks, etc.**

**91-A. Commencement of Chapter-** This Chapter shall be deemed to have come into force on the 27th February 1948 and shall remain in operation, for a period of 2[ ten years from that date].

**91-B. Requisitioning of tanks etc.-** Whenever it appears to the State Government that it is necessary so to do for the purpose of providing better faculties for irrigation of land In the proximity of any tank not being the property of the Government, it may, by order published in the Gazette, requisition such tank and any canal or water-course or other construction connected therewith. Every such order shall contain sufficient particulars of the property to be requisitioned.

(2) From the date of the publication of the said order such property shall be at the disposal of the State Government. The State Government may thereafter use such property as a canal system from such date as may be notified.

(3) The State Government may declare any part of land commanded by the tank comprised in the requisitioned property as a compulsory assessed area in the manner provided in section 12-A and thereupon al/ provisions of this Act applicable to compulsory assessed area shall apply to all such lands;

Provided that no water-rate shall be payable by the owner of the tank in respect of any parcel of land of which he is a permanent holder and which was being irrigated from the tank on the 27th February 1948.

**91-C. Payment of compensation.-** (1) Whenever in pursuance of sub-section (1) of section 91-8 any property is requisitioned, there shall be paid compensation determined in the manner and in accordance with the principles hereinafter set out, that is to say (a) where the amount of compensation can be fixed by agreement, It shall be paid in accordance with such agreement ;

1. Chapter IX-A added by M. P. Irrigation (Amendment) Act, 1948 (No. 19 of 1948). Enforced upto 1958 only vide Act No.1 of 1953 referred to in (2) below.

2. This has been substituted by M. P. Irrigation (Amendment) Act, 1953 (No.1 of 1953).

b) Where no such agreement can be reached, the State Government shall appoint as arbitrator the District Judge or the Additional District Judge or *any* Civil Judge having jurisdiction over the area in which the requisitioned property is situated;

- c) No Compensation shall be payable to any person other than a person who in the opinion of the State Government or the arbitrator owns or has an interest in the tank requisitioned;
- (d) during the period the tank remains under requisition, the amount of compensation payable annually to the person owning or having an interest in such tank shall not exceed the average annual income of such person during the three years immediately preceding the requisition calculated after deducting the expenditure incurred on the maintenance of such tank from:
  - (i) Irrigation dues;
  - (ii) use of the tank for growing Singhara, fishing or any other purpose of like nature whether by the person aforesaid himself or his lessee;
  - (iii) sale of grass from the embankment of the tank.

(2) The decision of the arbitrator proceeding under this section shall be final and conclusive and save as provided in this section nothing in any law for the time being in force shall apply to an arbitration under this section.

(3) The payment of compensation under this section to the person, who In the opinion of the State Government or the arbitrator, as the case may be, owns or has an Interest in the tank requisitioned shall be a full discharge of the State Government from all liability in respect of such compensation, but shall not prejudice any rights In respect of the said tank to which any other person may be entitled by due process of law to enforce against the person to whom compensation has been paid as aforesaid.

**91.,D. Preparation of list of all land commanded by a tank.-** (1) There shall be prepared a list of all land commanded by a tank requisitioned under sub section (1) of section 91-B as soon after its requisition as possible.

(2) Every such list shall show the name of the occupier of each parcel of land and whether water was being given to him for the irrigation of his land from the requisitioned tank and the water rate paid by him, if any. to the owner of the tank.

(3) Every such list shall be published In the manner laid down by rule made under this Chapter and thereupon such list shall be conclusive record of the fact stated therein.

**91-E. Release from requisition.-** Where any requisitioned property is to be released from the requisition. the State Government may after making such enquiry. if any. as may be considered necessary specify by order in writing the person to whom possession of the property shall be given.

(2) The delivery of possession of the property as aforesaid to the person specified in an order made under subsection (1) shall be a full discharge of the State Government from all liability in respect of such delivery but shall not prejudice any rights in respect of the

property to which any other person *may* be entitled by due process of law to enforce against the person to whom possession of the property is so delivered.

(3) Where the person to whom possession of any requisitioned property is to be given cannot be found and has no agent or other person empowered to accept delivery on his behalf, the State Government shall cause a notice declaring that the land is released from requisition to be affixed on some conspicuous part of the property and publish the notice in the Gazette.

(4) When a notice referred to in sub-section (3) is published in the Gazette, the property specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof; and the State Government shall not be liable for any compensation or other claim in respect of the property for any period after the said date.

**91-F. Power to acquire requisitioned property.**- (1) Subject to the provisions of sub-section (3) the State Government may at any time when any requisitioned property continues to be subject to requisition under sub-section (1) of section 91-B acquire such property by publishing in the Gazette a notice to the effect that the Government has decided to acquire such property in pursuance of this section.

(2) When a notice as aforesaid is published in the Gazette the requisitioned property shall on and from the beginning of the day on which the notice is so published vest absolutely in the State Government free from all encumbrances and the period of requisition of such property shall end.

(3) No requisitioned property shall be acquired under the section except in the following circumstance, namely;

(a) where any canals, water-courses or other works connected with such tank have during the period of requisition been constructed wholly or partly at the expenses of the State Government and the State Government decides that the value of or the right to use such canals, water-courses or works should be preserved or secured for the purposes of the State Government or the owner declines to reimburse the State Government the expenditure incurred on the construction of such canals, water courses or works or any improvement made to the tank; or

(b) where the cost of restoring the property to its condition at the time of its requisition would in the determination of the State Government be excessive, having regard to the value of the property at that time, and the owner declines to accept the release from requisition of the property without payment of further compensation from the State Government.

(4) Any decision or determination of State Government under sub-section (3) shall be final and shall be not called in question in any Court.

(5) In respect of any acquisition of requisitioned property, the amount of compensation payable shall be ten times the amount of compensation fixed under section 91-C or a sum equal to the market value of the requisitioned property on the date of notice under sub-section (1), whichever is less; and such amount shall be determined and paid in accordance with the provisions contained in clause (a) or clause (b) of sub-section (1) and sub-section (2) of section 91-C.

(6) The payment of compensation under this section to the person who, in the opinion of the State Government or the arbitrator as the case may be, owns or has an interest in the tank acquired shall be a full discharge of the State Government from all liability in respect of such compensation, but shall not prejudice any rights in respect of the said tank to which any other person may be entitled by due process of law to enforce against the person to whom compensation has been paid as aforesaid.

**Explanation.-** For the purposes of clause (a) of sub-section (3) "works" includes any building construction, improvements of every description and planting of any mechanical contrivance designed to lift water from a tank.

**91-G. Limitation for claims against the Government.** No claim for compensation payable under this Act, shall lie against the Government if it is not preferred within a period of two years from the date on which tank is requisitioned or acquired.

**91-H. Power to remove difficulty.-** (1) If any difficulty arises in giving effect to the provisions of this Chapter, the State Government may by an order published in the Gazette amend any provision of this Act other than that contained in this Chapter for the purpose of removing the difficulty.

(2) Any amendment made by an order published under sub-section (1) shall have effect as if enacted in this Act.

**91-I. RULES-**(1) The State Government may by notification make such rules as appear to it to be necessary or expedient for carrying out the provisions of this Chapter.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for the following matters, namely:

(i) the procedure to be followed in arbitrations under section 91-C;

(ii) the principles to be followed in apportioning the costs of proceedings before the arbitrator.

**91-J. Delegation of power.-** The State Government may by notification delegate all or any of its powers under this Chapter, except the powers specified in sections 91-H and 91-I to any authority which it thinks fit.

**91.K. Interpretation.** - For the purposes of this Chapter

- (i) the definition of canal in section 3 shall be construed as if for the words "by the State Government" occurring in clause (a) of that section the words "whether by the State Government or any other person" had been substituted therein;
- (ii) the expression "requisitioned property" means property requisitioned under sub-section (1) of section 91-8.

**<sup>1</sup>[Chapter IX-B  
Application of the Act to Berar**

Deleted

**Chapter - X Rules. Offences and Repeals**

**92. General provisions regarding rules.** - (1) All rules for which provision is made in this Act shall be made by the State Government and shall be consistent with this Act.

(2) A rule may be general for, all canal systems or for all canal systems not express. exempted from its operation, or *may* be special for the whole or any part of one or more canal systems, as the State Government may direct.

(3) Except the rules provided for in Section 21 and 22 <sup>2</sup>[and Chapter VIII-A.] all rules shall be subject to the condition of previous publication.

<sup>3</sup>[(4) Deleted.

1. Chapter IX-B deleted by M. P. Adaptation of Laws Order 1956. 2. These words added by by M. P. Irrigation (Amendment) Act, 1960 (No. 23 of 1960).
2. Sub-section (4) deleted vide M. P. Irrigation (Amendment) Act, 1976 (No. 56 of 1976).

<sup>1</sup>[(5) In making any rule the State Government may direct that a breach thereof shall be punishable with fine which *may* extend to two hundred and fifty rupees, and where the breach is continuing one with further fine which may extend to ten rupees for every day after the first during which the breach has been persisted in.

<sup>2</sup>[(6) The power to make rules conferred by this section shall include the power to give retrospective effect to the rules or to anyone of them.

<sup>3</sup>[(7) All rules made under this Act shall be laid on the table of the Legislative Assembly.

**93. Power to :make rules.** - In Addition to any power specially conferred by this Act, the State Government *may* make rules

(a) prescribing the manner In which Irrigation Panchayats shall be constituted and dissolved, conferring on them further powers and allotting to them further duties, regulating their procedure and providing for their remuneration:

<sup>4</sup>[(a-1 ) regulating the control and distribution of Irrigation beyond the outlet, prescribing the authority controlling and distributing such irrigation and providing for all matters connected with such control and distribution including the levy and recovery of charges for the purpose of remunerating such authority;

- (b) prescribing the rates at which diet-money shall be paid to persons required to attend an Inquiry under this Act; and
- (c) generally, for the purpose of carrying into effect the provisions of this Act.

1. Sub-section (5) substituted vide section 10 of M. P. Irrigation (Amendment) Act, 1973 (No. 42 of 1973).

2&3. Sub-section (6) & (7) added vide M. P. Irrigation (Amendment) Act, 1976 (No. 56 of 1976).

4 Sub-section (a-I) of section 93, added vide M. P. Irrigation (Amendment) Act, 1948 (No. 55 of 1948).

5. Section 94, substituted vide Section 11 of M. P. Irrigation (Amendment) Act, 1973 (No. 42 of 1973).

**<sup>5</sup>[94. Offences and Penalties -** Whoever, without proper authority, does any of the following acts, that is to say :

- (a) damages, alters, enlarges or obstructs any canal;
- (b) interferes with, increases, or diminishes the supply of water in, or the flow of water from, through, over or under, any canal;
- (c) interferes with or alters the flow of water in any river or stream, so as to endanger, damage or render less useful any canal;
- (d) being responsible for the maintenance of water-course or using water-course, neglects to take proper precautions for the prevention of waste of the water thereof, or interferes with the authorized distribution of the water there from or uses such water in an unauthorized manner;
- (e) receiving water in his fields for irrigation, neglects to take Proper precautions for the prevention of waste of such water;
- (f) corrupts or fouls the water of any canal so as to render it less fit for the purposes for which it is ordinarily used;
- (g) being a permanent holder, occupier, cultivator or agricultural labourer, resident in a village in which a proclamation under section 36 has been made, neglects to attend at the place appointed or refuses or neglects to carry out the duties allotted to him;
- (h) destroys, injures, defaces or removes any land-mark, level-mark, water guage or other apparatus fixed by the authority of a canal officer;
- (i) causes animals or vehicles to pass on or across any of the work~, banks or channels or any canal after such passage has been prohibited by a canal officer;

- (j) causes or knowingly and willfully permits animals to graze or be tethered upon the bank or border of any canal after such grazing or tethering has been prohibited by a canal officer.
- (k) removes or injures any tree, bush, grass or other vegetation growing on any canal, or,
- (l) leans himself on the banks or in the channel of a canal; shall on complaint made by a canal officer :
  - (i) be punishable in respect of offences mentioned in clauses (a) to (h), with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both; and when the offence is a continuing one, with an additional fine not exceeding twenty rupees for every day after the first during which the offence has been persisted in; and
  - (ii) be punishable in respect of offences mentioned in clauses (i) to (l) with fine which may extend to one hundred rupees and if the same person is subsequently convicted for a like offence he shall be liable for imprisonment which may extend to one month for each such subsequent conviction.

**95. Compensation to private persons.** - Whenever any Magistrate imposes a fine upon any person for an offence under this Act, he may direct that the whole or any part of such fine shall be paid by way of compensation to any person injured by such offence.

**96. Power to order repairs to be done.** - When any person is convicted of an offence under section 94, or the mischief under the Indian Penal Code in relation to any canal, the court may order him to remove the obstruction or repair the damage or replace or repair the land-marks, level marks water-gauge or apparatus, in respect of which the offence was committed, within a period to be fixed in such order; and if such person neglects or refuses to obey such order within the period so fixed, the Executive Engineer may carry out the work in accordance with such order, and the cost thereof shall be recoverable from such person by the Collector as arrears of land-revenue.

**97. Power to remove person causing mischief.** - Any canal officer or canal subordinate may remove or caused to be removed from any canal any person who in his view commits or is about to commit any of the offences mentioned in clause (a), (b), (c), (h), or (j) of section 94.

**98. Power to arrest person causing mischief.-** (1) Any canal officer or canal subordinate may take into custody without warrant any person who in his view commits any of the offences mentioned in clauses (a), (b) or (c) of section 94, and shall forthwith release him on bail or, if he fails to furnish bail, take him, or cause him to be taken, to the magistrate having jurisdiction to try the offence:

Provided that if there be no such magistrate within a distance of five miles, the canal officer or canal subordinate making the arrest shall take the offender, or cause him to be taken to the nearest Police Station, and the Officer-In Charge of such police station may cause him to be taken before the nearest magistrate having jurisdiction to try the offence, or may take sufficient security for his appearance before such magistrate.

(2) The custody of any person to whom an offender may be made over under sub-section (1) shall be deemed to be law full custody. .

**99. Composition of offences.-** <sup>1</sup>[(1) Any canal Officer may accept from any person against whom a reasonable suspicion exists that he had committed an offence punishable under this Act or the rules made there under a sum of money not exceeding two hundred and fifty rupee, for composition of such offence.

(2) On payment of such sum of money the suspected person, if In custody shall be discharged, and no further proceedings shall be taken against him in regard to the offence so compounded.

(3) Rules may be made under this Act regulating the procedure of canal officers in compounding offences.

**100. Repeals and savings.-** (1) The Northern India Canal and Drainage Act, 1873, is hereby repealed in its application to the Madhya Pradesh.

(2) The Central provinces Canal Management Act, 1919 and the Central Provinces Canal Management (Amendment) Act, 1923, are hereby repealed.

(3) But changes created, powers vested, rules, orders, appointments, agreements and contracts made, and suits instituted and proceedings taken under any of the said Act shall, as far as may be, deemed to have been respectively duly created, vested, made, instituted and taken under this Act.

1. Sub section (1) Substituted vide Section 12 of M.P. Irrigation (Amendment) Act, 1973 ( No.4:..! of1973 ).

vud ph  
e-iz jkT; fl pkbz l deka l sty ink; grqjsh dh vud ph

अनुक्रमांक	फसलों का नाम	जलदर प्रति एकड
1	2	3
म.प्र. शासन, जल संसाधन विभाग के आदेश क्र. आर-9/92/मध्यम/31 दिनांक 30 सितंबर, 1992 1.10.92 द्वारा नियत जल रेट		
1/2	df"k iz kstuka ds fy, 1/4 tkg fl pkbz, 0a mnøgu fl pkbz ds fy, 1/2	1/4 i ; a e 1/2
1	धान - खरीफ धान - रबी	80 / - 200 / -
2	गेंहू (पलेवा सहित अधिकतम तीन पानी)	100 / -
3	केले, पान, उद्यान फसलें, रबर के पौधे, गन्ना	300 / -
4	हरी खाद वाली फसलें, मूंगफल्ली (खरीफ) ज्वार, मूंग (खरीफ), सोयाबीन (खरीफ) तिल्ली, अरहर (खरीफ), उड़द	50 / -
5	धनिया, चना, मूंगफल्ली, (रबी), मूंग (रबी), सरसों कुसुम, सूरजमुखी, सोयाबीन (रबी), अरहर (रबी)	100 / -
6	कपास - साधारण कपास - हायब्रिड (विपुल)	70 / - 200 / -
7	जो, बैंगन, गाजर, गोभी, मिर्च, ककड़ी, घुइयां, मैथी, अदरक, लहसुन, ग्वारफली, भिंडी, शहतूत, मटर खसखस, कद्दू, आलू, मूली, पालक, तंबाखु, टमाटर हल्दी, तरबूज, हरी सब्जियां	300 / -
8	बरसीम घास (फाडर क्राप)	150 / -
9	जमीन तैयार करने के लिये पानी (पलेवा)	40 / -

1/4 k 1/2 xj df"k iz kstuka ds fy, 1/4 tkg fl pkbz  
fnukd 1-4-83 l s i hko'khy

1. xkeka ds rkykcka dks tyifrl - 15 जुलाई से 31 अक्टूबर तक रु. 6.00 प्रति 10,000 घनफूट, और एक नवंबर से एक जुलाई तक रूपये 12.00 प्रति 10,000 घनफूट।
- \* 2- vksj kfxd iz kstu ds fy, tyifrl & रु. 0.63 प्रति घन मीटर, उन क्षेत्रों को छोड़कर जहां पहले से अधिक दरें हैं या उनके संबंध में करार है।
- 3- fuxe vksj uxjka dh tyifrl & रु. 12.00 प्रति 10,000 घनफूट उन क्षेत्रों को छोड़कर जहां पहले से ही अधिक दरें हैं या उनके संबंध में करार है।

1/2 वल; i z kstuka ds fy, - दिनांक 1.4.83 से प्रभावशील।

1.	शासन द्वारा निर्मित योजनाओं से निजी उपकरणों द्वारा उद्वहन सिंचाई की जलदर	-	ऊपर (क) में दर्शाई दर की आधी।
2.	डुबान क्षेत्र में सिंचाई की	-	ऊपर (क) में दर्शाई दर की एक तिहाई।
3.	पट्टे पर दी गई डूब की भूमि में सिंचाई	-	ऊपर (क) में दर्शाई दर की एक तिहाई जो पट्टे की राशि के अतिरिक्त होगी।
4.	रेग्यूलेटरों, उनयनवारों (पिकअप वियर) से सिंचाई के लिए जलदर	-	ऊपर दर्शाई खरीफ फसलों के लिए (क) में दर्शाई दरों के अनुसार
	जिनके लिये पूरक जलाशय या बैराज न हो।	-	ऊपर दर्शाई रबी फसलों के लिए (क) में दरों का एक तिहाई
5.	निश्चित तिथि के बाद प्राप्त आवेदन पत्रों के लिये अतिरिक्त दरें	-	सामान्य प्रवाह सिंचाई दर पर दस प्रतिशत अधिक

- 6- तुत्कर फ्त्या ds वुद प्र {ks=ka ea fuekzk dk; ka ds ty nj & आदिवासी क्षेत्र में आदिवासी क्षेत्र में आदिवासी एवं हरिजन कृषकों जिनके पास सिलिंग अधिनियम के अंतर्गत निर्धारित सीमा तक धारित भूमि है, तथा अन्य वर्ग के कृषक जिनके पास 5 एकड़ तक धारित भूमि हैं -
- क. उन्हें नये सिंचाई साधनों से पांच वर्षों तक एग्रीमेंट करने तथा जल दर देने के प्रावधानों से छूट दी जावेगी।
- ख. छठे वर्ष में 1/3 जलदर, सातवें एवं आठवें वर्ष में 2/3 जलदर एवं नवें वर्ष के उपरांत पूरी जलदर वसूल की जावें।

नोट (1) यह छूट उन्हीं सिंचाई साधनों के लिए लागू होगी जो नये बनेंगे तथा जो पिछले नौ वर्ष के अंतर्गत बने हैं।

(2) जहां ऊपर वर्णित कृषक पिछले कुछ वर्षों से सिंचाई प्राप्त किये है जिन्हें उतने वर्ष कंडिका (क) एवं (ख) की गणना करने में काट दिया जावेगा।

\* शासन के आदेश क्र. 29/78/मध्यम/31/78/प्प दिनांक 20.9.88 में पूर्व निर्धारित दर को दिनांक 1.4.88 से बढ़ाकर रु. 80/- प्रति 10,000 घनफुट किया गया था। अब नये आदेश क्र. 18/1/91/मध्यम/31 दिनांक 4.12.91 में दिनांक 1.4.91 से इसे रु. 0. 63 प्रति घनमीटर किया गया है।

- 7- xns ukys rFkk ešys i kuh l s fl pkb & ऊपर (क) में दर्शायी दरों को डेढ़ गुना tynj
- 8- nkgjh Ql y ds fl pkbz tynj & खरीफ क्षेत्र में खरीफ फसल हेतु निर्धारित पूर्ण जलदर एवं रबी फसल हेतु रबी फसल के निर्धारित जलदर का 80 प्रतिशत और रबी क्षेत्र में रबी फसल हेतु निर्धारित पूर्ण जलदर एवं खरीफ फसल हेतु निर्धारित जलदर का 80 प्रतिशत।
- 9- fl pkbz grq fufelr u; s dk; l l s fl pkbz nj & गैर आदिवासी क्षेत्र में कृषकों को प्रोत्साहन करने हेतु दो वर्ष तक नई नहर प्रणाली से की गई सिंचाई पर कोई जल दर देय नहीं होगी। कार्य पूर्ण होने के दो वर्ष बाद तीसरे वर्ष से पूर्ण जलदर देय होगा। तृतीय वर्ष में अनुबंध भी किया जावेगा।

¼?k½ fl pkbz mi dj ¼bfj xs'ku l d ½

- (1) सिंचाई तालाबों की नहर प्रणाली के सैच्य क्षेत्र में रूपये दस प्रति एकड़ की दर से सिंचाई उपकर देय होगा।
- (2) निमज्जित तालाब, भूतपूर्व मालगुजारी तालाब, रेग्युलेटर, उन्नयनवार, तालाब तल की खेती हेतु पट्टे पर दिये गये तालाब, उद्वहन सिंचाई योजनाये, नलकूप आदि की नहर प्रणाली से सैच्य क्षेत्र में रूपये 5 प्रति एकड़ की दर से सिंचाई उपकर देय होगा।

Vhi %& उपरोक्त उपकर जलरुद्ध भूमि (वाटर लाग्ड एरिया) या नमक युक्त (सेलाइन) क्षेत्रों में तब तक नहीं लगाया जायेगा जब तक उनका पुनकृष्यकरण न कर लिया जाय।

Li "Vhdj .k %& इस संबंध में मूल अधिसूचना म.प्र. शासन सिंचाई विभाग के क्रमांक 29/78/म.ल./39/78/I,II,III दिनांक 31.3.83 द्वारा जारी की गई। इसके अनुसार यह आदेश 1.4.83 से प्रभावशील थे। तत्पश्चात् सिंचाई विभाग की अधिसूचना क्रमांक 20/78/ वृ.म./31/78 दिनांक 12.9.83 द्वारा मूल अधिसूचना के भाग "क" के अंतर्गत दर्शायी जलदरों को संशोधित कर इन्हें पूर्व प्रसारित अधिसूचना के दिनांक 1.4.83 से प्रभावशील किया गया। यह दरें 1.4.83 एवं 31.9.84 के बीच प्रभावी रहीं।

तदुपरांत, सिंचाई विभाग की अधिसूचना क्र. 29/1/बी/83/वृ.मं. /31/1 दिनांक 5.11.84 द्वारा अनुसूची के भाग "क" की जलदरें संशोधित की गई तथा इन्हें 1.10.84 से प्रभावशील किया गया।

**M. P. Irrigation Rules, 1974**  
**Madhya Pradesh Irrigation Department**  
**Notification**

No. 1-1-G- 73-33,

Bhopal, Dated the 3rd April, 1975,

In exercise of the powers conferred by sections 92 and 93 of the Madhya Pradesh Irrigation Act, 1931 (3 of 1931), the State Government hereby makes the following rules, the same having been previously published as required by sub-section (3) of section 92 and a copy thereof having been laid on the Table of the Madhya Pradesh Legislative Assembly on the 24th April, 1974 as required by sub-section (4) of section 92 of the said Act, namely :

**RULES**

**1. Short title.-** These rules may be called the Madhya Pradesh Irrigation Rules, 1974.

**2. Definitions.-** In these rules, unless the context otherwise requires:(**Act** means the Madhya Pradesh Irrigation Act, 1931 (3 of 1931);

- a) **Adsali sugar cane** means that variety of sugar cane, which is ordinarily sown during the period from 1st September to 30th November and becomes ready for harvesting after not less than 14 months of its sowing and needs first watering before 15th January following the year of sowing;
- b) **Abi rate** means the amount of canal revenue payable for the use of dampness and accumulated silt in the tank bed by the cultivator for a single crop on one acre of land;
- c) **Block** means whole area of certain specified land to which the block system is applied;
- d) **Banihar** means any person, appointed by the Sub Divisional Officer or Canal Deputy Collector to super wise and control the field to field and day to day distribution of water beyond the outlet in the field;
- (f) **Canal Deputy Collector** means a Canal Deputy Collector incharge of Irrigation Division in any area;
- (g) **Executive Engineer** means Executive incharge of Irrigation Division in any area;
- (h) **Fruit block** means a block in which the irrigation of long term fruit trees is permitted; Engineer,
- (i) **Form** means a form appended to these rules;
- (j) **Garden Block** means a block in which the irrigation of crops other than sugarcane, pan or long term fruit trees is permitted throughout the year;

- (k) **Kharif Crop** means a crop grown within the period from the break of the monsoon season to the beginning of the cold weather season. It generally includes the following: Rice, Rajika, Senji, Opium, Ganja, Tobacco, Cotton, Jawar, Bajra, Charu, Kodon, Sowan, Moth. Moong, Urad, Groundnuts, Makka, san and Tilli, Singhara etc.
- (l) **Perennial Crop** means a crop which is irrigated continuously for a period of more than 8 months;
- (m) **Plot** means one of the two or more portions into which a piece of land is divided for the purpose of irrigation;
- (n) **Rabi Crop** means a crop grown within the period between 15th September and the end of February next following. It includes the following : Wheat, Tilhan, (Excluding Tili) Arhar, Gram, Peas, Masur, Chori, Potatoes and Batra etc.
- (o) **Section** means a section of the Act;
- (p) **Section subordinate** means a person incharge of a section of Irrigation department;
- (q) **Sub-Divisional Officer** means the sub-divisional officer incharge of irrigation in any area subordinate to the Executive Engineer;
- (r) **Submerging tank** means, any tank constructed, maintained and controlled by the State Government for the purpose of storing water to moisten the land in tank bed for Rabi cultivation and emptied by the end of October every year;
- (s) **Sugarcane block** means a block in which the Irrigation of sugarcane is permitted;
- (t) **Superintending Engineer** means the Superintending Engineer incharge of the Irrigation Circle in any area;
- (u) **Thok** means a group of adjoining fields, within the command of a particular chak to be determined by the beneficiaries themselves;
- (v) **Thokdar** means any respectable person, selected by the permanent holders of thok. from amongst themselves. for the management of day to day distribution of water within the thok, to which he is selected;
- (w) **\*Year** means a year commencing from 1st of July in the calendar year and ending on the 30th of June in the next calendar year;
- <sup>1</sup>(x) **Osrabandi** means a programme of release of water In different distribution and minors of canal system showing the discharge, duration of supply and area to be irrigated.

<sup>2</sup>[(y) **Warabandi** means a programme of distribution of water to each holding of a chak, from an outlet. fixing the time and date/day for irrigation.

1,2. Inserted vide Irrigation Deptt. Notification No. F-27-8-8I - MM – 39 dated 6.11.82.

\* It is also known as Irrigation year.

### **Section 9.**

3. Land classed at the current settlement as bahra, or jhi/lan, or chahi, or jor, abi or adan and khasra numbers classed in whole as bandhwas, narbandhwas, tagarbandhia, or talas shall be deemed to be wet for the purpose of section 9 of the Act.
4. Khasra numbers which are classed in part as bahra, jhillan or chahi, or jor or abi or adan or bandhwas, narbandhwas tagarbandhia or talas at the current settlement may be declared to be wet.
5. The Chief Engineer shall fix the limits of all subordinate charges into which a subdivision is divided.
6. The canal subordinates to be appointed to subordinate charges shall be:
  - (i) Irrigation Inspectors,
  - (ii) Section Subordinates, and
  - (iii) Amins.

The Chief Engineer may place anyone of these subordinates in charge of one or more such charges.

7. The Chief Engineer may delegate to Superintending Engineers or Executive Engineers any of his powers under rules 5 and 6.

### **Section 23 & 24 read with 93( c).**

8. Every petition for appeal or revision shall be accompanied by certified Copy of the order to which objection is made unless the production of such copy is dispensed with.
9. (1) The appellate authority may either admit the appeal or after examining the record, may summarily reject it:  
Provided that the appellate authority shall not be bound to examine the record where the appeal is time barred or does not lie.
- (2) if the appeal is admitted, a date shall be fixed for hearing and notice thereof shall be served on the respondent.

- (3) After hearing the parties; if they appear, the appellate authority may
- (a) confirm, vary or reverse the order appealed against;
  - (b) direct such further investigation to be made or such additional evidence to be taken, as it may think necessary; (c) or itself take such additional evidence;
  - (c) or remand the case for disposal with such directions as it thinks fit.

**10.** (1) If an appeal is admitted the appellate authority may pending the result of the appeal, direct the execution of the order appealed from to be stayed.

(2) A revenue officer or canal officer, who has passed any order, or his successor in office, may direct the execution of such order to be stayed at any time before the expiry of the period prescribed for appeal, if no appeal has been filed.

(3) If execution of any order is stayed under sub-rules (1) or (2), such security may be taken or conditions imposed as the appellate authority or revenue officer or canal officer thinks fit.

**11.** A petition for appeal or revision shall be presented to, or lodged in the office of the appellate authority:

Provided that any such petition to a Canal Deputy Collector, Sub-Divisional Officer or Executive Engineer, against an order passed under section 47, may be forwarded by registered post, in which case limitation shall run from the date of posting.

**Section 23 (7), 25 and 93.**

**12.** Except for reasons to be recorded in writing no canal officer shall inquire into any case at any place outside the local limits of his charge.

**13.** The State Government or the Chief Engineer, may transfer any case or class of cases from any canal officer to any other such officer competent to deal therewith.

**14.** A Canal officer may take over any case or class of cases arising under the provisions of the Act or otherwise for enquiry or decision, to any canal officer or canal subordinate, subordinate to him and competent to deal with such case or cases, or may withdraw any case or class of cases from any such Canal Officer or canal subordinate and may deal with such cases or class of cases himself or refer the same for disposal to any other such canal officer or canal subordinate:

Provided that when after inquiry in a case, a report is submitted by a canal officer or canal subordinate to a super/or canal officer or canal subordinate for final orders, the latter may, before passing final orders give the parties an opportunity to be heard.

**15.** (a) No person shall be required to attend in person unless he resides within the local limits of the canal officer's jurisdiction, or

(b) Without such limits but at a place less than fifty miles or, where there is a railway communication or other established public conveyance for five sixth of the distance between the place where he resides and the place where he is required to attend, is less than two hundred miles from such place.

**16.** No person shall be required to attend in person who is exempt from personal appearance under section 132 or section 133 of the Civil Procedure Code, 1908.

**17.** Diet money to be paid, to persons required to attend an inquiry shall include the travelling expences, if any, which such persons may have to incur. These payments shall be made at such rates and In accordance with such principles as are laid down in the rules for the time being in force regulating such payment to witnesses in proceedings before a revenue officer held under the Madhya Pradesh Land Revenue Code, 1959.

**18.** Every notice shall be in duplicate, and shall be signed and sealed by the officer issuing it or by such person as he empowers In this behalf, and it shall specify the time and place at which the person summoned Is required to attend, and also whether he is required to give evidence or to produce a document.

**19.** Every notice may be served either by tendering or delivering a copy thereof or sending such copy by post in a cover registered under the Indian Post Office Act, 1889, to the person on whom it is to be served or his authorized agent or, if service In the manner aforesaid cannot be made, by affixing a copy thereof at his last known place of residence or at some place of public resort in the village or villages to which the inquiry relates.

**20.** If any party to an inquiry before a canal officer does not appear on the date fixed for hearing, the case may be heard and determined in his absence or may be dismissed in default.

**21. (1)** A canal officer may from time to time adjourn the hearing of a case or proceeding before him.

(2) The place of an adjourned hearing of a case or proceeding shall be intimated at the time of the adjournment to such of the parties and witnesses as are present.

**22. (1)** Except when a case or proceeding before a canal officer has been decided on its merits no appeal shall lie from an order under rule 20.

**(2)** The party against whom any order is passed under rule 20 may, subject to such *restriction* as may be imposed in the Act, apply within thirty days from the date of such order, to have it set aside on the ground that he was prevented by any sufficient cause from appearing at the hearing, and the canal officer may, Gifter, notice to such other parties as

may be concerned and after making such inquiry as he considers necessary, set aside the order passed.

**23.** A canal officer may give and apportion costs incurred in any case or proceeding in such manner and to such extent as he thinks fit, provided that no cost shall be levied or awarded in cases or proceedings which are undertaken, in the administrative or fiscal interests of the Government.

**24.** Save as otherwise provided in the Act and the rules made there under all appearances before, application to, and acts to be done before any canal officer under the Act. or the rules made there under, may be made or done by the parties themselves, or by their recognized agents, or in a case before the Commissioner by any legal practitioner acting on their behalf.

### **Section 35**

**25.** The first joint inspection of the alignment of a canal system before it is constructed shall be made by the Sub Divisional Officer (Irrigation) and either the revenue officer deputed to deal with proceeding for the acquisition of land required for the construction of the canal system or a revenue officer deputed by the Collector.

**26.** Crossing for traffic shall ordinarily be provided on canals and branch canals at an average distance apart of two miles, and on distributaries, minor distributaries at an average distance apart of 1-1/2 miles:

Provided that in special cases crossings may be provided at distances lesser than those mentioned above.

**27.** Irrigation crossings shall ordinarily be provided on the alignment of existing field channels, but where there is more than one field channel from existing tank on one side of a valley. only one crossing shall usually be constructed.

**28.** The inspection shall be made on the spot by the aforesaid two officers jointly. A meeting of the inhabitants of the adjacent lands shall be convened for the purpose of consultation and any suggestions made by them shall be briefly recorded and considered. The two officers shall thereupon decide where, in their opinion, crossings should be provided and prepare a joint report in such form as may be specified by the state Government. Such proposal that has been considered shall be entered separately in Form 1.

**29.** The joint report shall be submitted by the Sub Divisional Officer (Irrigation) to the Executive Engineer, who shall. after entering therein his remark and recommendations, forward it to the Collector.

**30.** If the Collector disagrees, with the recommendation of the Executive Engineer, he shall record the fact in original report, and if in any particular case he considers that further inquiry is necessary, he shall, either make it himself or shall depute a revenue officer to inquire and report, jointly with the Sub-Divisional Officer (Irrigation). This inquiry shall be

made In the same manner as the original Inquiry and the supplementary report shall be submitted by the Sub-Divisional Officer (Irrigation) to the Executive Engineer and by the latter to the Collector.

**31.** The Collector shall return the report to the Executive Engineer after recording his approval to works which he considers necessary.

**32.** The Executive Engineer shall submit to the Superintending Engineer through the Collector the reports on works in regard to which he has been unable to come to an agreement with the Collector. If the Superintending Engineer agrees with the Executive Engineer and not with the Collector, he shall forward the case to the Commissioner. If the Commissioner does not accept the views of the Superintending Engineer he shall submit the case to the Secretary to the Government in the Irrigation Department for orders.

**33.** When a final decision has been arrived at regarding the position of all crossings required on a canal, the Executive Engineer shall prepare two copies of the report in which shall be included all cases that have been considered. These copies shall be signed by the Executive Engineer and the Collector and filed in their respective Offices. The orders passed in regard to both crossings which are refused and crossing which are to be provided shall be communicated to the inhabitants concerned.

**34.** The Superintending Engineer shall, in consultation with the Commissioner, decide when the second joint inspection shall take place. The period of three years shall count from the date on which water is first admitted to the canal concerned.

**35.** The procedure for the first joint inspection shall apply to the second joint inspection except that the Sub-Divisional Officer (Revenue) Or such revenue officer as may be deputed by the Collector for the purpose shall be associated with the Sub Divisional Officer (Irrigation).

### **Section 37**

**36.** Proposals for the fixation of rates for the supply of water under clause (a), (b) or (c) of sub-section (1) of section 37 shall be considered by the Standing Committee for irrigation after which the said proposals and the opinion of the Standing Committee shall be placed on the table of the Madhya Pradesh Legislative Assembly The State Government shall give the Assembly an opportunity of discussing them and shall take into consideration any resolution concerning them that may be passed by the Legislative Assembly before fixing the rate to be charged:

Provided that if the State Government considers any case to be so urgent as to necessitate the immediate issue of orders, it ma' take action at once.

All orders issued under this proviso shall, within six months of their issue, be placed before the Standing Committee and thereafter laid on the table of the Legislative Assembly.

**37.** Notwithstanding anything contained in the aforesaid rule if no Standing Committee for irrigation is constituted the State Government may fix the rates which shall be placed before the Standing Committee if such committee is constituted within a period of 6 months from the date of such orders and after the expiry of the said period, shall be laid on the table of the Legislative Assembly.

### **Section 37 (2)**

**38.** Water rates shall be assessed by the Canal Officer, at the rates specified in the Schedule of rates as notified by the Government of Madhya Pradesh from time to time, in accordance with rules 36 and 37.

<sup>1</sup>**39.** If a cultivator takes water for preparing land for cultivation and does not sow the crop, and if crop is sown and no subsequent watering is done he shall be charged at the rate for preparing land for cultivation only and if subsequent watering is also done, he shall be charged at crop rates only.

**40.** If an area is sown with mixed crop for which different water rates have been fixed the whole area will be assessed at the highest of such crop water rates.

1. Revised rule 39 substituted vide Irrigation Deptt. Notification No. F/29/1/B/MM/31/U dated 5-II-84.

**41.** If different crops are grown in different parts of the same field, the water rate for the whole shall be calculated on the highest rated crop unless the division between crops have been *clearly* defined by a ridge not less than half a foot high.

**42.** When original crop is sown but fails and the field is ploughed afresh for sowing another crop in the same season, the rate to be levied shall be due on the crop which comes to maturity (*only* where the area is declared to be exempted from agreement).

**43.** If the agreement is concluded for a part/on of a field only, that portion shall be clearly demarcated by a ridge not less than half a foot high. In case the portion is not demarcated, the entire field shall be assumed as having been irrigated and water rates shall be charged on it at normal crop rate.

**44.** In cases of fields proposed to be irrigated partly by canal water and partly by other source, short term Irrigation agreement for portion of the field to be irrigated by canal water shall be concluded and that portion shall be clearly demarcated by a ridge not less than half a foot high. If the agreed portion of the field is not demarcated, whole field shall be

assumed as having been irrigated by canal water and the area in excess be charged at <sup>1</sup>[1.5 times the crop rate.

**45.** If water from a well or any other source is conveyed In the same channel or water course in the same season the whole irrigated area during such season shall be treated as irrigated from the State canal.

**46.** The Executive Engineer. may permit supply of water for the purpose of forming, thrashing floor, free to any person whom a supply of water for irrigation has been sanctioned under these rules and to any other person at the rate for preparing land for cultivation.

**47.** When short term agreement for supply of water is presented after the prescribed date but not later than one month of the date prescribed under rule 98 and 99 the water rate shall be charged for such agreed area @ 10% more than the ordinary crop rate.

<p>1. Rule 44. The words "double the the crop rate" changed to-at 1.5 time the crop rate vide Notification No. F-27-3-77-MM-31 dated 28-12-78 and is ordered to be substituted w. e. f. lat Dec.: 1975.</p>
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**48.** When short term agreement has been given to irrigate specified area, and the applicant Irrigates an area In excess of such specified area the same be charged l( at 1.5 times the crop rate.

**49.** If the trees standing at different places having deep kyaries (Thavalas) round each individual tree are watered, then such individual tree may be taken as if it is standing on an area of 1/40th acre and the garden crop rates shall be charged on it. If more than 40 trees are there in one acre the rate per acre shall be charged. In case water is taken without deep kyaries (Thavalas) round the trees proposed for Irrigation, the whole watered area shall be measured and assessed as per acreage crop rate.

**50.** Irrigation *from* escape, percolation, leakage from channels and from drainage channels bhall be charged at crop rates, provided that the number of watering Is two or more Including water for preparing land for cult/vat/on, otherwise rate for preparing land for cult/vat/on, shall be charged. In case of fields Irrigated by well or wells sunk within distance of 150 metres from main canal and 50 metres from distributaries the water rate shall be charged for the Irrigated area at half the crop rate.

**51.** When the crops are damaged by percolation; leakage or breach of canal etc. no charge shall be levied but recording of such area shall be Invariably done and verified by the superior officer.

**52.** Persons using water without permission at the time prohibited by proper authority, that is, during closed day, or contrary to the osrabandl programme or for the Irrigation of a field which has been debarred from canal Irrigation, shall be charged at double the crop rate and in every such case the canal officer may Impose penal charges to the extent of Rs. 250.

1. Rule 48. The words "double the crop rate" changed to-at 1.5 times the crop rate vide Notification No. F-27-3-i7-MM-31 dated 28-12-78 and is ordered to be substituted w. e. f. 1st Dec. 1975.

**53.** In case of persons, willfully cutting the bank or placing bunds in the bed of a canal, for the purpose of irrigating their fields, a fine to the extent of Rs. 251> may be imposed by the canal officer.

### **Section 37-B**

**54.** The cultivators desiring constructions of a Submerging tank shall apply to the Executive Engineer concerned in Form 2.

**55.** On receipt of the application the Executive Engineer shall undertake survey etc. to find out the feasibility of the scheme.

**56.** In case the scheme is feasible one, the Executive Engineer shall enter into agreement with the permanent holders of the land likely to be benefitted by the dampness of such submergence. The agreement shall be In Form 3.

**57.** Full tank level stones of the submerged tank shall be fixed at site and marked on the village map In triplicate showing the position of the stones fixed and the area benefitted thereby. A list of such areas shall be prepared In triplicate showing survey numbers, area, name of permanent holders etc. and kept in the record duly signed by the Executive Engineer. This will be taken as authentic record for further reference.

**58.** The gates of the submerging tanks shall be opened before 1st October In any year and marking area actually submerged shall be completed by the September every year.

**59.** The Amin, section Subordinate or Irrigation Inspector shall proceed to mark out the area actually submerged after 15th September and complete the formalities as provided under sub-section (4) of section 37-8. In case the tank is full (F.T.L.) only panchanama to this effect shall be prepared duly signed by the beneficiaries and sent to the Executive Engineer for approval. In case the tank is not full the map of the area actually submerged shall be prepared on tracing paper in duplicate and sent to the Executive Engineer for approval along with the reasons for short fall, who shall return them duly approved within a fortnight for assessing accordingly. not be of the end of

**60.** If in any year of scarcity It is considered that in view of making provision for drinking water certain submerging tanks should not be emptied, the Collector and Executive Engineer shall submit joint report to the Commissioner and the Collector shall prohibit the opening of

such tank in that year with the concurrence of the Commissioner. In all such cases remission may be granted by the Executive Engineer.

**61.** When an old scheme is restored, the Abi portion of land Revenue shall be treated as rebate. In case the present Abi rate is higher, the permanent holder shall be asked to pay the difference, and if the present Abi rate is lower, the cultivator shall pay the settled rate.

**62.** Unsettled cultivable land under submergence shall be charged at Abi rates in force in case the land is under cultivation or otherwise 1/2 of the Abi rates shall be charged.

**63.** If canal water is also taken in either of the cases mentioned in rules 61 and 62, 1/2 of the canal water, crop rate shall also be charged in addition to Abi rates.

### **Section 38**

**64.** Application for the supply of water for Irrigation on demand shall be made in writing by the occupiers requiring it In Form 4.

**65.** (a) The Executive Engineer shall pass orders on applications made under rule 64.

(b) If the demand for the supply of water for which an application is made under rule 65 is urgent, the Sub-Divisional Officer may, in anticipation of the Executive Engineer's order, Issue an order for the supply of water.

**66.** When an application for remission of water rate is made, the Executive Engineer shall grant remission only if he is satisfied that there was a failure to supply water to the area in respect of which application is made, and such remission shall be in full.

### **Section 39**

**67.** An application for the supply of water to supplement a village tank shall be made In Form 5 and shall ordinarily be presented at least fifteen days before the water is required, to any canal officer or canal subordinate.

**68.** Before he sanctions an application for the supply of water to supplement a village tank, the Executive Engineer shall intimate to the applicants, the approximate sum that will be charged for the water required. This shall be done in writing in Form 5 and the applicants shall sign thereon a statement that they undertake jointly and severally to pay the sum calculated at the prescribed rate for water actually supplied in Form No.6.

**69.** The Executive Engineer shall not ordinarily sanction the application *if* :

- (i) he anticipates that the supply of water for the Irrigation of rice under agreement will be adversely affected thereby, *or*
- (ii) In his opinion the applicants have not made suitable arrangements to deliver the water from the point at which it is supplied into the tank, *or*
- (iii) he has good reason to anticipate that the water will be used for the Irrigation of a crop which is not under agreement.

70. Charges for water supplied to supplement a village tank shall be calculated on the volume of water supplied as measured in the tank.

#### Section 40

<sup>1</sup>[71. Water may be supplied for any village tank, town or for industrial purposes and to a corporation at the rates not less than the rates specified in col. (3) of the table below as prescribed and approved by the Government :-

**Table**

1.	2.	*3
1.	Village Tanks.	Rs. 6.00 per 10,000 eft from 15th July to 31st October and RI. 12.00 from 1st Nov. to 15th July.
2.	Industrial purposes.	Rs. 40.00 per 10,000 cft. except where high rates exists or are agreed upon.
3.	Corporation & towns.	Rs. 12.00 per 10,000 eft.. do...do...

1. Rule 71 is substituted vide Notification No. 29-SI-78-MI..33 dated 30'6-78

\* Rates indicated in col 3 are as inforce from 1-4-83.

Provided that the Executive Engineer may permit, with the agreement in Form 7 the supply of canal water for purposes other than irrigation without sacrificing the interest of irrigation for any term not exceeding one year and where the supply is not to exceed five Mcft. of water in a year. For term exceeding one year and, where the supply is to be more than five Mcft. In a year the previous sanction of the State Government shall be necessary.

#### Section 44

<sup>1</sup>[72. (a) The charge for water which has been used in an unauthorized manner on cultivated land under agreement shall be made at 1.75 times the demand rate so leviable for the class of crop grown on it.

<sup>2</sup>[ (b) The charge for water which has been used in an unauthorized manner on cultivated land not under agreement shall be at the following rates :

(i) From Harijans, Tribals, small and marginal Farmers at 1.25 times of the demand or short term agreement rate.

(ii) From other cultivators at 1.75 times the demand rate or short term agreement rate.

73. (1) The charge for water which has been used in an unauthorised manner, otherwise than, on cultivated land shall be made at thrice the volumetric rate fixed under section 37 read with section 39 or under section 40 as the case may be.

(2) Charge for water, which has been wasted, shall be made at thrice the volumetric rate fixed under section 37 and in addition, a penalty to the extent of Rs. 250 on the discretion of the canal officer may also be imposed. The canal officer may utilize the whole or the part thereof to compensate the person affected by such waste.

**74.** No charge shall be made for water obtained by percolation, leakage, or flooded by breach of canal which is not induced unless in the latter case it has been deliberately diverted to the fields which it is expected to benefit.

- I. Rule 72 - "at double" and "thrice" in sub-rule (a) & (b) changed to 1.75 times vide Notification No. F 27-3-77-MM-31 dt. 28-12-78 Change is effective from 1st Dec. 1975.
- II. Revised sub-rule (b) of rule 72, substituted vide Irrigation Deptt. Notification No. F/21/I/B/MM/31/11 dated 5-11-84.

**75.** A canal officer or canal subordinate on becoming aware of waste of water, shall immediately stop it. In a case of unauthorized use he shall stop the flow, if he considers that the supply to areas that are entitled to receive water will be adversely affected by allowing it to continue. In either case he shall submit a report to the Executive Engineer.

**76.** The Executive Engineer, on receipt of a report of unauthorized use or waste of water, shall after examination of such witnesses as he may consider necessary, record his orders with the reasons thereof, and shall communicate them through the Canal Deputy Collector to the section subordinate concerned.

**77.** If a cultivator wished to make any representation regarding the orders passed by the Executive Engineer, he shall do so either personally or in writing within ten days of the receipt of the parcha.

A representation may be addressed either to the Executive Engineer or to the officer who submitted the original report. If a personal interview is desired, this shall be stated. The officer, who receives the representation, shall then intimate to the applicant the date, time and place at which his representation will be heard or Interview granted.

**78.** If an appeal is made to the Collector against the orders of the Executive Engineer, the Collector shall, before considering the case, obtain from the Executive Engineer, the reports, plan etc. on which the orders were based. He shall communicate his decision to the applicant through the Executive Engineer.

#### **Section 44 (A) (2)**

**79.** The Executive Engineer, shall have a watch over the Concerns, whom a supply of water under section 40 of the Irrigation Act, has been made and see that adequate arrangements are made to make best use of such water for cultivation.

**80.** On discovery of the use of water made under rule 79 for cultivation; the water rates shall be charged in the manner prescribed below:

(a) In case, two or more watering Including preparing land for cultivation, crop rates shall be charged but for one watering the rate for preparing land for cultivation shall be charged.

(b) In case of water being used *for* other than agricultural purposes, the rates prescribed by the Government *for* such use shall be charged.

**N. B. -** In such areas agreements or demand will not be necessary and the procedure *for* recording and assessing canal water shall be applicable.

#### **Section 44-B**

**81.** The area irrigated outside the submerging tank while emptying or through sluice, waste weir etc. shall be charged at crop rates provided the number of watering including preparing land for cultivation is two or more otherwise rate *for* preparing land for cultivation shall be charged.

#### **Sections 45,52,58 read with sections 92 & 93 (c)**

**82.** The Irrigation agreements under these rules shall be signed on behalf of the Government by the canal officer or by any other officer or canal subordinate of the Irrigation Department authorized for that purpose by the Executive Engineer in this behalf.

**83.** No Irrigation can be made from a canal unless an agreement is concluded between the Government of Madhya Pradesh and the permanent holder except in those cases which are exempted under these rules. Irrigation made without entering Into agreement shall be treated as unauthorized irrigation and the permanent holder, irrigating their fields before entering into agreement or irrigating such *fields* or area not specified in the agreement already entered into by them, shall be liable to punishment and assessment under the provisions of the Act, and the rules made there under.

<sup>1</sup>**84.** The long term agreement in Form 8 and short term agreement in Form 9 and supplementary long term agreement in Form 10 appended to these rules shall be concluded. The long term agreement shall be operative *for* a period of 5 years and the short term agreement will be drawn every year. The terms and conditions laid down In such forms shall be constructed as part of these rules.

1. Rule 84, substituted vide Irrigation Deptt. Notification No. F/29/78/MM/78/31/IV dated 31-3-83.

**85.** An irrigation agreement may be modified or cancelled by mutual consent between the canal officer on behalf of the State Government and the permanent holder concerned.

**1[86.** The long term agreement shall be village wise, tank wise or project wise for the irrigation of Rice in rice lone, as well as in wheat and mixed crop Zone. The supplementary agreement shall be made in Form 10 appended to. these rules.

**87.** The long term agreements for rice irrigation far a mahal or chak may be accepted by the Superintending Engineer when it is clearly in the interest of State Government to do so. Separate agreements may be made for parts of a village irrigable from separate works. Separate works imply separate tanks or projects and not separate distributaries of the same project.

**88.** If, on examination of a long term agreement and after explaining its terms to the permanent holders present, the Canal Deputy Collector or an Irrigation Inspector who has been specially authorized under section 51 to accept an agreement is satisfied that either the permanent holders of *not* less than two third, or not less than 95% of the permanent holders of, all the Irrigable land in a village, mahal or chak cultivated with crops to which the agreement relates, have signed the agreement, and in the case of mahal or chak, the consent required under the proviso to section 51 has been given, he shall take action to comply with the provisions of section 52.

**89.** (i) In the notice prescribed in section 52 of the Act, the Canal Deputy Collector or Irrigation Inspector competent to accept the long term agreement, shall specify the date, time and place at which he will hear objections before the agreement is declared to be accepted.

(ii) He shall make a summary record of the objections made and his decision on each objection. If he decides that no good cause has been shown against the proposed declaration, he shall make an endorsement in Form 11 attached to these

1. Rules 86 substituted vide Irrigation Deptt. Notification No. F/29/78/MM/78/31/IV dated 31-3-83.

## **Rule-90 ]**

### **M. P. Irrigation Rules 1974**

rules on the long term agreement declaring that such agreement is final and binding on the permanent holders of all Irrigable land to which it relates.

**90.** If long term agreement is declared to be final and binding under rule 89, it shall unless it is otherwise specified, have retrospective effect from the commencement of the season In which It is made. A supplementary agreement in form 10 for a wet area may be accepted by Executive Engineer.

**91.** Water for Irrigation may, if demanded, be supplied immediately on long term agreement, which has not been declared final and binding if the Canal Officer, or canal subordinate, who is authorized to accept it, is satisfied that either the permanent holders of not less than two third, or not less than 95% of the permanent holders of all the Irrigable land in the village, mahal or chak cultivated with crops to which the agreement relates have signed the agreement. Provided that, If subsequently for any reason whatsoever, the agreement is not declared to be final or binding the signatories of the long term agreement shall be deemed to have agreed to pay at demand rates for the supply given to the area of their crops that have been Irrigated.

**92.** Where more than one long term agreement exists for a village irrigated from a single work on expiry of one agreement the cultivators concerned shall be given the option of (a) renewing the expired agreement for a reduced period so as to expire simultaneously with other agreements or (b) making a single agreement for the whole village for five years and cancelling the unexpired agreement.

**93.** A copy of each long term agreement that Is declared to be final and binding shall be supplied to the Sarpanch of the village concerned;

**94.** For village under long term agreement in Form 8, the Amin shall prepare a list of Khasra numbers Included in the agreement, Including those declared out of command as soon as the agreement is made. This will show for each Khasra number, the commanded area and the name of the permanent holder. The list shall be checked by the Irrigation Inspector and a copy of it shall be attached to the agreement and a copy shall be given to the Sarpanch when the agreement is declared final and binding.

**95.** The short term agreement shall be made individually and crop wise for the irrigation of various crops or *commodities* in the wheat or mixed crop zone which ceases to be effective on the maturity of the crops or the commodities for which *it* has been concluded.

**96.** The Canal Officer or Officer authorized for the purpose may refuse any short term agreement or cancel It by giving a notice well in advance of the first watering even after signing the agreement:

- (a) If any arrear In respect of water rate is outstanding against the permanent holder" or
- (b) if it may not be possible to supply water to *field* or fields due to technical reasons, or
- (c) if the permanent holder persistently falls to maintain his water course In proper condition.

**97.** The permanent holders, who have entered into short term agreement with the State Government and If there is no Interruption on the part of the State Government in giving them supply of water, shall be bound to pay the water rates on demand, Irrespective of whether they irrigate their fields or not. provided that *if* department fails to supply water to the area under agreement, such area may be treated as dry (Khusk Rakaba) and Superintending Engineer may grant full remission of canal revenue In such area. A statement of such area certified by the Sub-Divisional Officer, may be submitted to the Superintending Engineer. through the Executive Engineer.

**98.** (1) The short term Irrigation agreement for each crop shall be concluded as per programme given below :

<b>S. No.</b>	<b>Commodity</b>	<b>Final date of issuing (Ailan) proclamation</b>	<b>Final date of concluding ingirrign. agreement</b>
1	Sugar cane	31st December	31st March.
2	Cotton and Makka	1 st March	15th April.
3	Paddy (Dhan) and other Kharif Fasal.	31 st May.	15th August.
4	All Rabi including Vegetables.	30th September.	15th December.
5	Zaid Rabi (Summer-Crop).	15th February.	31st March.

Note:- Any delay in issuing proclamation shall be subject to that much extension in the final date of concluding agreement for respective crops.

(2) Water for seeding of paddy may be given under order of the Executive Engineer on the written application of the cultivator before concluding agreement and the field on which the water is taken shall be treated as an agreed area.

**99.** The Superintending Engineer if convinced shall extend the date of concluding agreement mentioned in column (4) of rule 98 to the extent of one month.

**100.** At least one month in advance of each crop season, the Executive Engineer shall invite a meeting of all the Irrigation Inspectors, Sub-Engineers, Sarpanchas & prominent occupiers of the land of the irrigated area, and after acquainting them of the water storage position of various tanks, and reservoirs providing the facilities of canal Irrigation, determine with their consultation the area which can be brought under canal irrigation. On determination of the total area the Executive Engineer shall, allocate area to be irrigated by each distributary of the canal,

publish the area so allocated to each distributary for general information on or before the dates prescribed in column (3) of the statement provided in rule 98 regarding short term agreement. The publication shall be made in Form 12.

**101.** In the meeting a tentative programme of releasing water through various distributaries (Osrabandi) and dates for opening of outlets for supplying water to fields beginning from tail portion of distributaries and upwards shall also be finalized.

**102.** Executive Engineer shall reduce or enhance the area determined in the meeting and even stop the supply In cases of emergency.

**103.** The short term agreement shall be submitted by the permanent holders or occupiers concerned duly filled in or the same may be got filled by the Amin concerned.

**104.** A receipt In Sinchai Pustika (Form 11-A-Hindi) shall be granted by the official receiving the agreement. Complaints in this regard may be made to higher officers immediately.

**105.** When it is proposed to make short term agreement with the occupiers, the Executive Engineer shall, depute Irrigation Inspector for that purpose and shall ordinarily cause a proclamation in Form 12 to be made in the village, or group of villages, setting forth the object and date of visit of the Irrigation Inspector, and the time and place where he will meet the occupiers. Such place shall be in the village itself or in some neighbouring village as shall be convenient to the Sarpanch or Panch and Patel, who shall necessarily be invited to attend the meeting in advisory capacity. Provided that nothing in these rules shall prevent the Irrigation Inspector from proceeding to take short term agreements should he at any time or place meet a sufficient number of occupiers and also the Sarpanch or Panch and the Patel of any village, without having issued such proclamation. If any centre is far away and it is not possible for the Irrigation Inspector to reach there on the fixed date, he can depute his subordinates concerned to take short term agreement at that centre.

**106.** The Irrigation Inspector shall explain the object of his visit to the occupiers and receive the short term agreement so produced or ask the Amin concerned to fill up the short term

agreement to the entire satisfaction of the occupiers, Sarpanch or Panch and the Patel present at the meeting. The Irrigation Inspector or any subordinate deputed shall sign the agreement as one party and obtain signatures of the occupier as the other party of the agreement and may obtain signatures (;)f the Sarpanch or Panch and Patel as witnesses in token of proper execution and correct entries of the agreement. .

**107.** The occupier shall take care before signing the agreement to get himself fully satisfied with the entries and other contents of the short agreements and all doubts removed. No complaint shall be entertained whatsoever regarding entries .of the agreement of the occupier, after he has put his signatures or thumb impressions in the presence of Irrigation Inspector or person deputed for the purpose.

**108.** Any occupier, who owing to reasons beyond his control, is unable to attend the, meeting so arranged for taking short term agreement, can approach the Irrigation Inspector with written application stating the cause of his inability in attending the meeting and expressing his desire to enter into agreement. The Irrigation Inspector shall on such application instruct the Amin to receive his agreement form if there is margin in the area allocated for irrigation and the date prescribed under rule 98 or 99, as the case may be, has not expired.

**109.** The occupier shall mention in the short term agreement exact area with the field numbers and crop which he intends to irrigate. In case of the part field, length and breadth or area shall be written in the agreement.

**110.** In the short term agreement the occupier shall mention carefully and clearly the crop which he intends to irrigate. However if he fails to sow the crop mentioned by him in the agreement following procedure shall be adopted:

- (a) In case crop or crops superior to the one mentioned by him in the agreement is sown by him, charge shall be made at the rate fixed for that superior crop or crops.
- (b) In case crop or crops inferior to that mentioned in the agreement in sown by him, charge shall be made at the rate fixed for the superior kind of crop or crops noted in the agreement.

**111.** If the occupier desires to irrigate any other field not mentioned in the agreement within the command, he can do so, after obtaining approval of the Canal Deputy Collector or Executive Engineer, through the Irrigation Inspector.

**112.** When assured supply is not possible from any works, canals, tanks, and portions thereof, due to technical aspects or unavoidable circumstances and the cultivators persist for irrigation at their risk, the Executive Engineer may declare such area or crops, exempted

from short term agreements and supply water to crops at the rate prescribed by the Government.

**113.** All agreement forms duly filled in, shall be submitted by the Irrigation Inspector with a list to the Executive Engineer, or the Canal Deputy Collector for sanction within a week after the expiry of the periods fixed in rule 98. The latter shall return the same duly sanctioned within one month.

#### **sSection 47**

**114.** Remissions of canal revenue under an irrigation agreement or in the submerged area shall, on application by the Panchayat on behalf of the occupier of the compulsorily assessed area of land concerned, in Form 13 and subject to such inspection and inquiry as may be prescribed by the State Government, be granted by the Executive Engineer in the following scale:

- (a) Half remission in Khasra numbers In which the crop is less than 50% and more than 33% of wet crop.
- (b) Full remission In Khasra numbers in which the 33% of wet crop or less.

Provided that when a Khasra number exceeds five acres In area, the Executive Engineer may sub-divide it into plots not exceeding five acres and such plots shall be regarded as Khasra numbers for purposes of remission.

**115.** When owing to a defect in the head works or distribution system of a canal and not to shortage of supply, water is not delivered when required in any area, the Superintending Engineer may grant remission of canal revenue in such area though it is not admissible according to the scale prescribed in rule 114.

**116.** In years of general failure of the monsoon Inquiry shall, in accordance with such instructions as may be issued by the State Government, be made into the outturn by Irrigation Officers in consultation with revenue officers. For purposes of remission, the Khasra numbers in the canal irrigated area in each village shall be divided into groups, and the Executive Engineer shall grant remission on the scale prescribed in rule 114, by individual Khasra numbers according to the estimated out turn of the group concerned.

**117.** The deductions from the long term agreement rate shall be half the amount of the long term agreement rate or one rupee whichever is less.

**118.** The deduction shall be made in respect of one crop only that is grown on an area that is assessed at a wet rate.

**119.** Wet land, included In long term agreement under section 53 shall, if subsequently classed as dry and so assessed to land revenue or rent, be charged at the full long term agreement rate.

#### **Section 54**

**120.** The water rate payable on land, which is not commanded but is included in irrigation agreement for lift irrigation, shall be half the rates payable on commanded land, which is sown with the same crop.

#### **Sections 58 A-K.**

**121.** The period of three years for appointing date under section 58 C (1) shall be counted from the date, the water is let into the canal for the first time upto a particular reach taking the village as a whole and not the part thereof.

**122.** For the purpose of ascertaining the prices to have gone high more than fifty per cent over the prices prevailing prior to availability of irrigation facilities from such new canal, the records maintained in the office of Registrar for sale deeds will be considered as authentic, depending upon the average price for last ten years in the village or neighbouring village as compared to prices prevailing prior to commencement of the work concerned.

**123.** If ownership of land which is liable to payment of betterment charges is transferred at any stage, during payment of betterment contribution instalments, the liability in respect of unpaid amount of such charges shall also be deemed to have been transferred to the vendor. The vendor shall, however, continue to be liable for payment of such charges till he intimates the authorized officer along with the consent in writing of vendor. Provided that in case of default the amount of unpaid instalment may be recovered from either of the two at the discretion of authorized officer.

**124.** No betterment charges shall be leviable on such lands as are under possession of the Government, but no sooner the right of ownership is transferred permanently to other than Government bodies, the share of betterment contribution shall be payable by the party concerned. The revenue authorities shall intimate the authorized officer full details of the allottees to enable him to finalise the betterment charges and effect recovery thereof.

**125.** When any outstanding amount of betterment charges are found to be irrecoverable owing to death or absconding of defaulters or any other reason, they shall be reported by the Collector to the Commissioner, who shall deal with each case individually according to the orders of the Government.

**126.** The authorized officer may correct any entry in the record, which he considers to be incorrect, provided that if such correction involves an increase in the amount payable, he shall not do so until he has given the permanent holder concerned an opportunity of being heard and in case of remission, the approval of next higher authority shall be obtained.

**127.** The copies of the final orders regarding determination of betterment contribution payable by the holders shall be placed for the public Inspection with irrigation panchayat for a month.

**128.** Transfer of the ownership after the period of limitation prescribed for the objection, shall not give any right to the transferee for making any fresh objection.

#### **Section 58 L and M.**

**129:** For the purpose of imposing Irrigation cess the expression Irrigation COIDD1 and means:

(a) In case of Cana. system, all irrigable area,

(b) In case of submerging tanks and compulsorily assessed area all areas under F. T. L. and out side Irrigation, If any, as per design, provided that the land is under cultivation and not wet.

**130.** A list of the land under clauses (a) and (b) of, rule 129 shall be prepared by the Sub-Divisional Officer and approved by the Executive Engineer, which will be taken as authentic record for the purpose.

**131.** On the basis of the finalised lists, village wise, work wise, Jamabandi in the prescribed Form, under general supervision of the Irrigation Inspector, shall be prepared by the Amin in which all particulars concerning each cultivator shall be brought together and totalled and kept with Am in as a permanent record duly signed by the Executive Engineer or Canal Deputy Collector.

**132.** The consolidated area charged with irrigation cess and the amount there of, shall be shown in the parcha for water rates, below the total of the water rates payable for Rabi crop and grand total shall be given every year.

**133.** *Irrigation cess* may not be imposed on the area water logged, salt affected, or *which remains* under submergence where cultivation *is* not possible.

**134.** A list of such survey numbers under rule 133 shall be prepared by the Amin and approved by the Executive Engineer. As soon as the above conditions cease to exist i.e. the land becomes fit for cultivation, the list shall be revised.

**135.** The realization of the amount due on account of Irrigation cess shall be done, subject to rules and in the manner applicable for realization of water rates.

**136.** Irrigation cess may invariably be charged on the Irrigable lands, leased out by the department, and the fact shall be mentioned in the auction notice as a condition.

**137.** The unauthorized occupants of the Government Irrigable land shall also be charged with irrigation cess so long as they are in possession of such lands.

**138.** Any area liable to payment of irrigation cess may be declared as exempted from such payment, by the Superintending Engineer provided that the department is not in a position to supply water at the commanding outlet to such area for consecutive three years.

**139.** Refund or adjustment on account of excess recovery or grant of remission after realization or otherwise, may be granted by the Superintending Engineer.

#### **Section 59**

**140.** Payment for the canal revenue payable on account of water supplied for the irrigation of Kharif crop, shall be made on or before 15th March and that payable on account of water supplied for the irrigation of Rabi and other crops shall be made on or before 15th July,

**141.** Payment for the supply of water to supplement a village tank shall be made with the Kharif Kist when it is due on account of supplies made between the 1st June and the 31st December and with the Rabi Kist when it is due on account of supplies made between the 1st January and the 31st May,

**142.** Postponement of the dates under rules 140 and 141 shall be allowed by the Superintending Engineer on the request of Canal Deputy Collector to the extent of one month.

**Section 62 read with section 93 (c)**

**143.** The number of members to be elected to an Irrigation Panchayat shall be determined by the Collector on the recommendation of the Executive Engineer.

**144.** (a) An irrigation panchayat shall hold office for three years.

Provided that the Collector may, from time to time and by an order in writing extend the term of office of an irrigation panchayat for a period not exceeding three years in the aggregate.

(b) Notwithstanding that the term of office of an irrigation panchayat has expired, it shall continue to hold office until a new panchayat is constituted under these rules.

(c) Notwithstanding any thing contained In this rule the Collector may, at any time by an order in writing dissolve an irrigation panchayat.

**145.** The following persons shall be disqualified from acting as electors or from holding office on an irrigation panchayat:

(a) a person who has been adjudged by any competent court to be of unsound mind;

(b) a person, who is a minor;

(c) a person whose name is not in the electoral roll prepared under rule 148; and

<p>-I. Rule 140. The date 15th June changed to 15th July vide Irrigation Deptt. Notification No. 28/7/GI75J33 dated 3-5-1975.</p>
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(d) a person who has been adjudged insolvent by a civil court ; and

(e) a person who has not paid any sum due by him under the Act for a period of three years or more.

**146.** Whenever possibilities of irrigation in any village, chak. or mahal arise. and no irrigation panchayat exists or the terms of the office of the existing panchayat is about to expire. or a panchayat is dissolved, the Executive Engineer shall make Proposal to the Collector fixing number of members to be elected to the Irrigation Panchayat and after approval of the number of the members to be elected. he shall fix the date, time. and place for the election and shall proclaim it in the village at least 15 days before hand.

**147.** The following persons shall be deemed to be electors for membership to irrigation panchayat:

(a) All permanent holders. holding lands Individually or jointly within the command defined by the Executive Engineer. for this purpose, of the canal system.

(b) All permanent holders holding the land within F.T.L of the submerging tanks including outside Irrigation If any. and compulsorily assessed area.

**148.** The Amin, under the general supervision of the Canal Deputy Collector and Irrigation Inspector shall prepare a list of persons who are entitled to be electors from the village under rule 147 and not disqualified under rule 145 at least one month before the date fixed for the election, and shall immediately paste it in a prominent place In the village. under the signatures of the Irrigation Inspector.

**149.** Any person having objection to urge against any entry therein, or omission there from. shall file an objection within 8 days from the date of pasting of the list. before the Irrigation Inspector, who shall dispose them off within 8 days from the date of receipt of the objection. after making such enquiries as he may deem necessary.

**150.** If any person is aggrieved by decision of Irrigation Inspector, an appeal may be filed within 8 days from the date of receipt of the order, to the Canal Deputy Collector who shall dispose it of within 10 days by making such inquiries as he may deem fit, and his decision shall be final.

**151.** Executive Engineer shall appoint and depute an Irrigation Inspector or Canal Subordinate to preside at the election. The electors, whose names have been entered in the finalized electoral roll, shall collect at the place fixed under rule 146. Each elector shall be privately called upon to specify names on the marked paper in Form 14 with his signature or thumb impression upto the number fixed by the Collector, the persons who in his opinion are best fitted to sit in the Panchayat. The elector, who is illiterate and is unable to write, may bring with him a literate person of his confidence for writing the names on the marked paper. The signature of the writer and the signature or thumb impression of the elector is necessary on such marked paper and the presiding officer shall also sign such marked paper in token of verification.

Provided that such person will be allowed only once to accompany the elector who is illiterate or unable to write.

**152.** After the election is over the presiding officer shall prepare a proceeding on the spot, mentioning therein the serial numbers of electors who have voted and serial numbers of those who are absent and any special Incident which took place at the election. He shall then seal all papers in presence of Panch or Sarpanch of Gram panchayat, and the sealed covers then be handed over to the Canal Deputy Collector Immediately after the election.

**153.** The Canal Deputy Collector, with the help of the Presiding Officer concerned in the presence of Panch or Sarpanch of Gram panchayat shall prepare a list of the candidates voted for, indicating the number of votes secured in serial order. He shall then submit the

same to the Collector for approval through the Executive Engineer, In order to declare the result of the election.

**154.** In the event of an equality of votes; the order of preference shall be decided by lot.

**155.** The Collector shall intimate the decision to the Executive Engineer, who shall arrange to paste a list of panch as at a conspicuous place In the village.

**156.** The Panchayat shall, at a meeting at which not less than three members are present elect one of their members to be Sarpanch. This meeting shall be presided over by one of the panchas, *elected* by -the members present. Provided that any member who is a candidate for election as Sarpanch shall not be elected as Chairman. The election shall be by voting. In the event of an equality of votes, the Chairman of the meeting shall have a casting vote. In the event of the Panchayat being unable to arrive ata decision. the Collector shall nominate one of the members as Sarpanch. The proceedings of the meeting shall be recorded in the proceedings book in Form. 15 and signed by the Chairman. The result of the voting shall be intimated by the Chairman to the Amin in writing. The names of the Sarpanch and members of the panchayat shall be pasted by the Amin at a conspicuous place in the village.

**157.** In the event of the retirement, death, disqualification or removal of an elected panch, the panchayat shall forthwith, report the fact to the Collector, who shall, If he considers it necessary to fill the vacancy, fix a date, time and place within the village for the election of a fresh panch and the panchayat shall proclaim them in the village at least seven days before hand. On the date so fixed the Executive Engineer. shall depute a Canal Deputy Collector or Irrigation Inspector to preside at the election, which shall be held in the manner prescribed in rule 152. The new panch, so elected and approved by the Collector shall hold office for the un expired portion of the term of the panchayat.

**158.** No election of a panch or Sarpanch shall be called in question except by a petition presented to the Collector within 14 days from the date on which the result of election was pasted in the village. The Collector may depute any of his subordinates or may arrange with the Executive Engineer to depute a canal officer or canal subordinate to inquire into and dispose of the petition.

**159.** If, after such inquiry as he considers necessary, the Collector or the officer deputed to make the inquiry as the case may be, is of the opinion that the election complaint, has been procured or induced or the result of the election has been materially affected by corrupt or illegal practice, he may declare it void and order a fresh election to be held.

**160.** The Collector or the Revenue Officer making an Inquiry under rule 159 shall have the powers of a Revenue Officer specified in sections 33 and 34 of .the Madhya Pradesh Land Revenue Code, 1959 and a canal officer or canal subordinate shall have the powers of a Canal Officer specified in rules 12 to 24, in either case his order shall be final.

**161.** The Sarpanch elected under rule 156, or in his absence any member of the panchayat authorized by him in this behalf, shall give due notice to the other panchas of the date, time and place fixed for each meeting and of the nature of the business to be discussed or work to be done.

**162.** Every meeting of the panchayat shall be presided by the Sarpanch. Provided that, if when any meeting is held and the office of sarpanch is vacant, or the sarpanch is absent from the meeting, the panchas present shall appoint one of their members to Preside over the meeting.

**163.** One half of the total number of panchas including the sarpanch, if present, shall form a quorum. The President shall have a deliberative vote and shall also, in case of an equal division. have a casting vote. He shall regulate the course of all business to be brought forward and shall preserve order. The meeting of the panchayat shall be open to the public but on a motion, carried by a majority of the panchas, the public shall be required by the President to withdraw.

**164.** The Panchayat shall keep In Hindi a brief record of its meetings and proceedings in a book.

**165.** (1) The following offences may be compounded under sub-section (3) of section of 62 of the Act, that is to say. where a person without proper authority:

- (i) damages, alters, enlarges or obstructs a canal; or
- (ii) in using a water course, interferes with the authorized distribution of water there from; or
- (iii) in using a water course, neglects to take proper precautions for the prevention of waste of such water or;
- (iv) having received water In his field for Irrigation, neglects to take proper precautions for the prevention of waste of the water of such water course or;
- (v) destroys, injures defaces or moves any land-mark, level mark, water-gauge or other apparatus fixed *by* the authority of a canal officer, or;
- (vi) causes animals or vehicles to pass on or across any of the works, banks or channels of any canal after such passage has been prohibited by a canal officer;
- (vii) causes or knowingly or willfully permits animals to graze or be tethered upon the bank or border of any canal after such grazing or tethering has been prohibited by a canal officer or;
- (viii) removes or Injures any tree, bush, grass or other vegetation growing on any canal; or
- (ix) eases himself on the banks or in the channel of a canal, or

- (x) damages or alters a water course or Interferes with the flow of water therein or corrupts or fouls such water; or
- (xi) refuses to allow water received by him In his field for irrigation to pass beyond the field when required to do so by the panchayat

Provided that no offence shall be compounded under section 62 (3) where the offence has caused damage exceeding thirty rupees in value.

- (2) An irrigation panchayat may give notice to person reasonably suspected of having committed any of the above offences. Such notice shall require the person to attend at the time and place specified In the notice.
- (3) When the person attends and accepts the panchayat's proposal for composition, an order shall be recorded fixing the amount payable by him. Such amount shall be paid Immediately or within such time as the panchayat may fix.
- (4) All offences dealt with under sub-rules (2) and (3) shall be recorded in a register which shall contain the following particulars:-
  - (a) the serial number;
  - (b) the date of the commission of the offence;
  - (c) the date of the report or complaint or discovery of the offence;
  - (d) the name, parentage, residence and social status of the offender;
  - (e) the alleged offence and the provision In rule 166(1) under which it comes;
  - (f) if the offence charged be of causing damage, the sum at which the damage Is assessed, if it be of waste, theft or corruption of water, the value of the water affected;
  - (g) an abstract of the inquiry made, of the offender's statement and of the decision arrived at;
  - (h) the amount paid as composition and the date of the payment and
  - (i) the signature of the sarpanch presiding at the meeting at which the case was decided, with the date of decision.
- (5) The register shall be submitted In original to a canal officer at such intervals as the Executive Engineer may direct.
- (6) The irrigation panchayat shall report to a canal officer every case in which a person falls to comply with the notice or refuses to accept the panchayat's proposal for composition or the amount of composition is not paid within the time fixed.
- (7) On receipt of the report, the Canal Deputy Collector shall take steps to realize such amounts as arrears of land revenue and at his discretion, may further impose a fine not exceeding Rs. 250.

(8) There shall be formed for each Irrigation panchayat a fund to be called the irrigation panchayat fund, and the money recovered by way of composition under this rule shall be placed to the credit of this fund.

**166.** The cash balance of the irrigation panchayat fund shall be kept by the Sarpanch in the name of the Irrigation panchayat fund, in the nearest post office saving bank or in a neighbouring co-operative bank or with the previous approval of the Canal Deputy Collector, with any respectable person residing in the village provided that any amount not exceeding Rs. 25 may be kept in custody of any panch for current expenditure.

**167.** The Irrigation Panchayat may sanction expenditure from the irrigation panchayat fund upto the amount actually in hand for any work of public utility In the village that has been approved by the Collector.

**168.** Accounts of Income and expenditure of the irrigation panchayat fund shall be maintained by the Sarpanch in a panchayat fund account book in Form 16. The account shall be closed and balanced at the end of each month and shall be examined and passed by the panchayat. *It* shall be checked by a Canal Officer, Irrigation Inspector or section subordinate.

**169.** An Irrigation panchayat shall maintain the following books and papers:

- (I) Panchayat fund account book in Form, 16.
- (ii) Counterfoil receipt book in Form, 17.
- (iii) Proceedings book In Form, 15.
- (iv) Correspondence and notices Issued by the panchayat.

Record (ii), (iii) and (iv) may be destroyed three years after the last entry therein.

All books and papers maintained by the Irrigation panchayat shall be submitted, at all reasonable time, to any canal officer or canal subordinate who demands to see them.

**170.** (1) Irrigation panchayat shall be remunerated by the grant of commission, which shall be calculated separately for the collection of canal revenue and for administrative work.

(2) For collection, the calculation of the total amount due to each Irrigation panchayat shall be made separately for each Kist at the rate of three paise per rupee for the first Rs. 1,000 of canal revenue collected by the panchayat and two paise per rupee for all sums in excess of this amount. If any canal revenue collected by an irrigation panchayat is subsequently refunded, no recovery of commission shall be made from the irrigation panchayat.

(3) Commission for administrative work shall be paid at the discretion of the Executive Engineer who shall determine the amount to be paid on consideration of the

efficiency of work done by the irrigation panchayat. The maximum sum payable shall be calculated at the rate of nine paise per acre assessed or irrigated, free of charge.

- (4) In calculating the amount of commission payable on account of collection fractions of a rupee shall be treated as a rupee if they exceed fifty paise and shall be disregarded if they do not. In calculating the commission, for administrative work fractions of an acre shall be treated as an acre, If they exceed half an acre and shall be disregarded if they do not.
- (5) Payments of commission on account of both Collection and administrative work shall be made twice a year by a canal officer and shall ordinarily be completed by the 30th April, for Kharif crop and 31st October for the Rabi crop. Of the total sum payable the sarpanch shall be entitled to two shares and each panch to one share. Panchas who have taken no part in the collection owing to their absence from the village at the time it was made or to their being otherwise occupied, shall receive no payment but total sum due to the irrigation panchayat shall this account. not be reduced on

**171.** A register of the names of Sarpanch and members of panchayats in Form 18 shall be maintained by each Amin, section subordinate, Irrigation Inspector, Sub-Divisional Officer. Canal Deputy Collector, Executive Engineer in alphabetical order.

#### **Section 63,93 (c) and 92 (5)**

**172.** All entries of water supplied for irrigation on demand. under irrigation agreement. unauthorized Irrigation on cultivated land and submerged area will be made In Form 19 called Khasra Shudhkar by the Amin. He shall record the Irrigation of each village in a separate Khasra Shudhkar, tank wise and shall enter therein all fields by making survey and portal (Inspection) of each and every field which appears to him liable to assessment of water rates, and shall complete the entry of Shudhkar of Kharif, Rabi and Zaid seasons by the 30th September, 28th February and 15th May respectively in each year and submit the report with a list of fields about the irrigation of which he has reasonable doubts, to his immediate officer on or before the dates mentioned above.

**173.** The Amin. on completion of the entries in the Khasra Shudhkar (Final survey and measurements) shall make out parch as for each cultivator in Form 20 and the parcha signed by the Amin and the section subordinate shall be delivered by him after entering In ledger to each cultivator personally and obtain signatures in Form 21. If due to the absence of the cultivator. or cultivator's refusal to accept, or it is not possible to effect personal delivery, the parchas shall be left with the Irrigation Sarpanch, Panch. or Patel who shall deliver it to the cultivator concerned.

**174.** With the aid of the Khasra Shudhkar and Parchas, Amin shall prepare the following papers in the forms prescribed ;

1 ledger in which all entries concerning each cultivator will be brought together and totalled (Form 22).

2 Kistabandi Khatoni In which only totalled amount for which parchas have been delivered shall be entered (Form 23).

3 (iii) Abstract Kistabandi Khatoni in which entries in Col. No.1 to 13 are completed (Form 24).

**175.** On receipt of a parcha any cultivator may file an objection within ten days of the delivery of the parcha to Irrigation inspector or section subordinate in writing and shall be accompanied by the original parcha. The Irrigation Inspector or section subordinate shall enter all such objections In a register in Form 25 and communicate to the cultivators concerned the dates on which he shall visit the village or spot to hear objections and dispose them.

**176.** If for good reason an Irrigation Inspector or section subordinate is prevented from visiting a village to hear objection on the date fixed by him, he shall fix another date for his visit and shall intimate it to the occupiers concerned.

**177.** All objections shall be investigated within 15 days of the receipt and decided promptly. Final orders shall be communicated to the complainant without delay.

**178.** The amount due from each occupier, shall be calculated to the nearest paise. Any occupier, who is in doubt regarding the correctness of the sum demanded from him, may inspect the assessment record maintained by the Amin free of charge.

**179.** If the cultivator served with a parcha fails to file an objection within ten days of the receipt of the parcha, the water rate assessed shall be treated as confirmed.

**180.** If the cultivator files an objection within ten days on receipt of parcha as, the disputed amount shall not be realized until his objection has been duly inquired into and disposed off finally.

**181.** (i) The canal officer may, at any time, correct any entry in the assessment papers which he considers to be incorrect and shall initial each correction. Provided that if such correction involves increase in the amount payable, he shall not do so till he has given the occupier concerned an opportunity of being heard.

(ij) If after distribution of the parchas any additions are made to the demand, or any deduction is allowed on complaint, or by remission or otherwise, such addition or remission shall be communicated to the cultivator by means of supplementary parcha.

(iii) All such alterations as are made before despatch of Kistabandi Khatoni or abstract Kistabandi Khatoni to the panchayat and canal Deputy Collector, shall be shown in that document, alterations made after the despatch of Kistabandi Khatoni and Abstract

Kistabandi Khatoni shall be communicated to the panchvat and Canal Deputy Collector or Tehsildar by means of a revised supplementary Kistabandi Khatoni and abstract Kistabandi Khatoni containing the names of the occupiers and amount to be reduced or added in the demand shown against each occupiers.

**182.** The Kistabandi Khatoni shall be sent to the Sarpanch and members of the panchayat or patel be the Irrigation Inspector under his Signatures on or before 15th January/30th April for the Kharif/Rabi Kist. The Sarpanch, and members of the Panchayat or Patel, on receipt of this statement, shall at once proceed to collect the canal revenue from occupier concerned and give acknowledgement in the Sinchai-pustika available with the occupiers concerned and after making entry in the Kistabandi Khatoni will further prepare a receipt statement in duplicate by using carbon and will obtain signatures of the occupier concerned in token of having received the acknowledgement in Sinchai-pustika alongwith the amount deposited by him.

**183.** Within a fortnight of the receipt, the Sarpanch, Panch or Patel realizing the amount will remit it into the Treasury, sub treasury or bank as the case may be. A challan shall be prepared in triplicate and signed by the person remitting the amount. One copy will be retained in the Treasury, Sub-Treasury or Bank and two copies will be given to the depositer who will send the challan alongwith the original copy of the receipt statement, containing the signatures of the occupier concerned to the Canal Deputy Collector, so as to enable him to verify the amount realized.

**184.** The Irrigation Inspector and the Amin, will assist the panchayat and have close watch while realization is in progress and see that the amount realised is timely deposited and due receipts are given to the depositors In Sinchai Pustika (Form 11-1n Hindi). The breach thereof, may then and there, be reported to the Canal Deputy Collector when noticed, who will take such steps as he deems fit to check the same.

**185.** No collection of canal revenue may, on any account, be made by panchayat or patel after the date as prescribed in rule 140. By that date, the sarpanch or members of the panchayat or patel, who have made payments into the Treasury, will enter in the Kistabandi Khatoni, all amount collected by them. The members of the Panchayat and Patel will, however, be allowed Seven days from this date within which they must pay into the Treasury any "sums collected and not deposited by them and return the Kistabandi Khatoni to the Amin concerned immediately.

**186.** In case, the papers are not returned by the sarpanch, panch or patel within the prescribed period, the Amins will proceed to collect these papers and if, the Sarpanch, Panch or Patel refuses to handover the records, will report the fact immediately to the Canal

Deputy Collector who shall with the help of the police obtain these papers and take such further steps as he deems fit.

**187.** After collection of the Kistabandi Khatoni and receipt statement, if any, the Amin shall check the entries and prepare the defaulter's list in Form 26 and submit them with the Kistabandi Khatoni to the Irrigation Inspector within seven *days*. The Irrigation Inspector will check the figures in Col. no. 25 of the Kistabandi Khatoni and compare them with the figures in the defaulter's list, will enter in the Kistabandi Khatoni the name of the members of the panchayat who were absent or who did not take part in the collection of Canal Revenue and will forward the documents to the Canal Deputy Collector within 10 days from the receipt. If any excess collections have been made, he will enter them In red Ink in remarks column.

**188.** From the Kistabandi Khatoni the Canal Deputy Collector will then complete his village-wise statement and register. He will also prepare in duplicate by works and for each Sub-Division, the statements of commission payable to panchayats and patels for collection and for administrative work in Form 27 & 28. The statement will be submitted to the Executive Engineer who will authorize payment. The receipt for payments will be taken on the duplicate copies of the Forms as far as possible and the remainder on hand receipt, Statement of commission payable for administrative work in respect of Kharif and Rabi Crops will be approved by the Executive Engineer by the 31st January and 31st May respectively and all payments made before the end of April and October respectively. The statement of commission payable for collection work for Kharif and Rabi crop shall be approved by the Executive Engineer by the end of March and July and payments shall be made by the end of April and August respectively through the Canal Deputy Collector.

**189.** The Canal Deputy Collector shall compile the defaulter's list for each Tehsil and from them will prepare Individual defaulter's file, in accordance with the procedure laid down in rules made under section 155 of the Madhya Pradesh land Revenue Code, 1959 and will then arrange to collect all outstanding amounts as arrears of land Revenue. In order to assist the Canal Deputy Collector in issuing warrants, selected Amins under an Irrigation Inspector may be deputed by arrangement with him to attend the Canal Deputy Collector's Office and prepare warrants. Where the defaulter, at any time before the warrents is issued, pays the outstanding amounts to the Canal Deputy Collector, he shall be given a receipt for such payment by any of the Canal subordinate authorized in this behalf by the Executive Engineer/Canal Deputy Collector, and a statement from the Abstract Kistabandi Khaton shall be prepared by the Canal Deputy Collector In the prescribed form and shall be sent to the Executive Engineer by the fourth of the following month. The Executive Engineer shall compile the consolidated Tauzi and send it to the Superintending Engineer by the 10th of the following month.

**190.** All Irrecoverable amount, on account of death or absconding of a defaulter, or for any other reason, may on the recommendation of the Canal Deputy Collector, be remitted by the Superintending Engineer UP to Rs. 250/- in each individual case.

**191.** Adjustment and refund of water rates on account of excess recovery or grant of remission after realization or otherwise shall be allowed by the Executive Engineer with the previous approval of the Superintending Engineer In the ensuing year.

**192.** If any sarpanch, panch or patel responsible for passing receipt fails to give receipt as required under the rules he shall on application by the payee within 15 days of the payment, be liable to pay penalty to the extent of Rs. 50 only under an order of the Canal Deputy Collector.

**193.** If any water rate (Canal Revenue) or any part there of is not paid within one month of the prescribed date the Canal Deputy Collector may impose penalty on such defaulter at the following rates, namely.

- |  |  |
|--|--|
| (i) Where payment is made within one year from the due date            | 10 percent of the amount<br>Not so paid. |
| (ii) Where payment is made after one year or more from<br>the due date | 13 percent of the<br>amount not so paid  |

### **Section 65,75,93 (c) and 92 (5)**

**194.** Application for the investigation of water courses shall be made In Form 29 and contracts under section 65 in Form 30 attached to these rules.

**195.** When an application In Form 29 Is received :

- (a) The Executive Engineer shall cause such Investigation to be 'made as he may consider suitable;
- (b) The investigation shall be made In consultation with the permanent holders concerned; and
- (c) The proposals accepted by the permanent holders concerned shall be marked on a copy of the village map, which shall be signed by not less than three of the leading permanent holders, who have applied for investigation or, if the number of persons who have applied is less than three by all such persons.

**196.** The Executive Engineer shall then prepare an estimate of the cost of the water course or system of water courses and when it is approved by the competent authority, he shall instruct a canal officer or Irrigation Inspector to take the signature of the applicants on Form 30.

**197.** If the conditions of section 66 are fulfilled, action shall be taken in accordance with section 52 read with section 67 and the certificate In Form 31 attached to these rules shall be signed by a canal officer before the contract is finally made and endorsed as in Form 32.

1. Revised rule 193 substituted vide Notification No. F/29/1!83/MM/31 dated 10-7-85 superseding the earlier amendment vide Notification No. 29/78/ML/ 39/78/11 dated 31-3-83. Penalty at the revised rates shall be leviable from the date of issue of this notification.

**198.** The Amin, in consultation with the irrigation panchayat, shall prepare a list of the permanent holders and occupiers of land which is ordinarily irrigated or may be irrigated, who are responsible for maintaining a water course or a system of water courses. He shall enter against each permanent holder or occupier, the area of irrigable land held by him which is or may be served by the water Course or system of watercourses concerned and each permanent holder or occupier shall be responsible for executing the work or supplying labour for its execution in proportion to his area of land, which is ordinarily irrigated or may be irrigated, bear to the total area of irrigable land served by the water course or system of water courses. A copy of the list, after it has been approved by the Sub-Divisional Officer, shall be furnished to the Irrigation Panchayat and it shall be amended annually under arrangements made by the Sub-Divisional Officer.

**199.** The Sarpanch of the Irrigation Panchayat shall maintain a record of the labour employed, the person by whom it is furnished, and the time during which it works. If a complaint is made of default to render assistance by any permanent holder or occupier who is liable to do so, the entries in this regard shall be taken into account by Executive Engineer in assessing the sum that such permanent holder or occupier shall be required to pay under section 73(c). Any money so recovered in excess of the sum expended by the Executive Engineer on the repair of the water course shall be credited to the Irrigation Panchayat fund.

**200.** Whoever, without proper authority does any act whereby a water course is damaged or altered, or the flow of water is interfered with or the water is rendered corrupt or foul, shall be punishable with a fine which may extend to two hundred and fifty rupees, and when the breach is continuing one, with further fine which may extend to ten rupees for every day after the first breach during which the breach has been persisted in.

#### **Section 75(C), (D)(4), (E) & (G)**

**201.** The field channels shall ordinarily be run on the field boundaries, but the same may be taken across the fields if technical aspects so demand. In such cases the lands may be acquired under the provisions of Land Acquisition Act, 1894.

**202.** The expenses incurred on execution of field channels includes the expenses on jungle clearance, earthwork, cross drainage works, cart track crossing etc. and also the work charged establishment put on the Job, as also the cost of Land Acquisition under rule 201; if any.

**203.** The field channels shall, as far as possible, touch every field with a view to feed them *directly*, without involving any expenditure by the permanent holders and occupiers concerned.

**204.** The area benefited means the area situated on either side of, or at the tail of the field channels irrespective of the fact whether the same, is fed by flow or lift of water, but does not include the Government land irrigated there from till allotted to any individual.

**205.** The subsequent allottees of the Government land so benefited shall be required to pay the Irrigation Panchayat concerned, the share towards the cost of contribution of field channels, with due regard to the area benefited, and in default the same shall be recovered from them as arrears of land revenue. The amount of share per acre being the same as determined by the Executive Engineer for that chak.

**206.** The field channels shall be deemed to have been maintained in a fit state of repairs if full supply of water proposed for is conveyed without involving any wastage.

**207.** The responsibility for maintenance of field channels shall rest with the beneficiaries of the lands situated on either side or at the tail of the field channels so constructed and the amount incurred by the Executive Engineer in pursuance of the provisions under sub-

section (2) of section 75-E shall be recovered from such beneficiaries responsible for such maintenance with due regards to the area benefitted by such field channels. The share of Government land shall be borne by the beneficiaries only.

**208.** The apportionment and the recovery of the expenses Incurred on construction of field channels shall be made by the Executive Engineer in the manner prescribed below in exercise of the powers conferred under section 75-C and sub-section (3) and (4) of section 75-D:

- (a) When the work is undertaken under sub-section (2) of section 75-D, the amount so reported, shall be recovered and apportioned from and amongst the beneficiaries respectively with due regards to the area benefitted by such works.
- (b) When the work is undertaken under sub-sections (2) and (4) of section 75-D the amount reported under subsection (2) of section of 75-D and the amount incurred under sub-section (4) of section 75-D, shall be combined together and the total amount shall be recovered and apportioned from and amongst such permanent holders and occupiers with due regard to the area benefitted by field channels so constructed.
- (c) When the work is undertaken under the provision of section 75-8, the amount so incurred shall be recovered from the beneficiaries named in the order with due regard to the area benefitted by such field channels.

**209.** The field channels so constructed shall be handed over to the beneficiaries through the irrigation panchayat and receipt obtained there from. A map on lattha cloth showing the alignment of field channels, cross drainage works, carttrack crossings, with details of pipes fixed shall be given to the irrigation panchayat concerned, and one copy shall be retained in the office of the Executive Engineer duly signed by the canal officers.

**210.** The following shall be deemed to be the persons entitled for taking water from the field channels so constructed:

- (a) All those who have contributed towards the cost of construction of such field channels.
- (b) All those who have their lands within the command of such field channels and are desirous of availing irrigation facilities.
- (c) All those who wish to take water for non agricultural purpose of general utility; provided that they pay to the irrigation panchayat one fourth of the usual charges of water rates till the amount of share per acre as contributed by the persons mentioned in clause (a) above is completed.

**211.** All supplies under clauses (b) and (c) of rule 210 shall be allowed by the Executive Engineer on the recommendation of the irrigation panchayat concerned, under conditions being applicable in usual course.

**212.** All outstanding amounts under proviso to clause (c) of rule 210 above shall be recovered as arrears of land revenue and credited to the concerned panchayat fund account.

**213.** Notwithstanding anything contained in the foregoing rules any person may prevent the flow of water :

(a) On his turn when the turn system (warabandi) is in force, or

(b) When the water is being wasted, or

(c) When the water is being used by the unauthorized persons depriving the authorized persons, or

(d) Otherwise with the written permission of the departmental staff or irrigation panchayat concerned.

**214.** Any change in the alignment and extension of the field channels so constructed or already constructed may be allowed by the Executive Engineer on technical or on administrative grounds under written orders on application received from the permanent holders or occupiers, at the expenses of such permanent holders or occupiers.

**215.** The field channels constructed prior to enforcement of these rules shall be governed by the rules applicable to construction and maintenance of field channels.

**216.** Whoever without Proper authority does any act whereby a field channel is damaged or altered or flow of water is interfered

1. Rule 213(a), the words "Osrabandi or" deleted vide Irrigation Deptt. Notification No. F-27-8-81-MM'39 dated 6.11.82.
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with or the water is rendered corrupt Or foul, shall be fined upto Rs. 250 and If the breach is a continuing one, a further fine which may extend to Rs. 10 for every day after the first day during which the breach had been persisted in.

**217.** All relevant accounts shall be maintained by the Executive Engineer in his office.

**218.** The amount to be recovered on account of expenses incurred on construction of field channels or maintenance thereof, shall be recovered by the irrigation department in lump sum upto Rs.50 and in case the amount is more than Rs. 50 in three equal instalments to be paid annually.

### Section 93 (A – 1)

**219.** The distribution of water for irrigation beyond the outlet will ordinarily rest with the beneficiaries, who will apportion it among themselves. If they disagree they may approach the irrigation panchayat for proper distribution.

<sup>1</sup>**[220.** The irrigation panchayat with the help of the Amin and consultation with the beneficiaries concerned shall settle the dispute by mutual agreement which the beneficiaries shall be bound to abide.

<sup>2</sup>**(221.** On an application made by the irrigation panchayat or two-third of the beneficiaries concerned for preparing warabandi programme, the Executive Engineer. shall depute the Canal Deputy Collector or Sub-Divisional Officer or Irrigation Inspector to enquire into and submit the report as to whether enforcement of warabandi is necessary.

<sup>3</sup>**[222.** The application for warabandi programme shall ordinarily be rejected if the area under complaint is :

- (a) Very small;
- (b) Irrigated from well;

1,2,3. In rules 220, 221, 222 the words 'osrabandi' corrected to "warabandi" vide Notification No. F.27-8-81-MM-39 dated 6-11-82.
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- (c) On foreshore of a drain, drainage or low ground or situated outside the area commanded by the out-let;
- (d) On a temporary outlet;
- (e) In times of drought or intense demand;
- (f) Shortly before a new settlement;
- (g) Proper maintenance of water course is not done.

<sup>3</sup>**(223.** The Executive Engineer at his own initiative may also take up warabandi programme where :

- (a) Fair distribution and economy of water is desirable;
- (b) The area commanded is too large for the outlet;
- (c) The water course is long one.
- (d) There is enmity between parties leading to dispute in distribution of water.
- (e) Some parties are weak and others are strong depriving the weak persons of their share of water.
- (f) The area commanded is in more than one village, leading to disputes.
- (g) Government land is irrigated.

(h) Redistribution of outlets is carried out and areas or adjacent outlets combined or altered.

<sup>4</sup>[224 On approval of the report of the inquiry *officer* for warabandi, the Executive Engineer shall ask the applicants to deposit Rs 50 to meet expenses on tracing shajra etc. and other incidental work, and departmental overheads.

**225.** The deposit of Rs. 50 shall be made by the applicant into the sub-division or division office and a receipt shall be given to the payee and credited to the maintenance head.

1,2. In rules 223, 224, & 226 the words osrabandi corrected to "warabandi" vide Notification No. F-27-8-81-MM-39 dated 6-11-82.

<sup>1</sup>[226. On deposit of the amount the Executive Engineer shall order the Canal Deputy Collector or Sub-Divisional Officer or Irrigation Inspector for the preparation of warabandi programme to be completed within three months. The various steps in the preparation of warabandi programme shall be :

- (a) Preparing a map on tracing cloth of the area under dispute, in triplicate.
- (b) Marking of commanded area in green ink,
- (c) Preparing cultivator wise details of the survey numbers, area under command of the outlets under operation;
- (d) Marking of cultural land under possession of Government in yellow colour;
- (e) Marking of unculturable land in black hatching;
- (f) Marking of area for osrabandi vide item (c) in red colour;
- (g) Marking of the boundary of the thok in dotted yellow;;
- (h) Marking of the alignment of water courses and field channels in blue colour.

<sup>2</sup>(227. The Irrigation Inspector shall call a meeting of the permanent holders of the outlets under warabandi and ask them to form thoks and select thokdars from amongst them. The thoks should be as few as possible.

**228.** After the finalization of thoks and preparation of papers under item (a) to (h) of rule 226, the Canal Deputy Collector or Sub-Divisional Officer shall prepare a statement showing the names of each cultivator and the survey numbers of the fields, with their areas by cultivator and thok.

<sup>3</sup>[229. The total area of the outlets under command for warabandi shall be distributed in 168 hours (or week) and timings for individuals shall be fixed in proportion to their holdings under command of the outlets under warabandi. The

timings shall start from Sunday at 8.00 a. m.

1, 2,3. In rules 226, 227 & 229, the words 'osrabandi' changed to "warabandi" vide Notification No. F/27/8/81/MM/39 dated 6-11-82.

**230.** In fixing time and its sequence, consideration shall be given to the distance of the thok from the outlets. Thus thok No.1, shall be that which has a field nearest to the head of the outlet or water course or field channels as the case may be, and where two different thoks are equidistant from the head of the outlet, priority shall be given to one, lying on the left side of the channel. The first field of the other thok lying on the main water course or field channel after thok No.1 shall be determined thok No.2 and so on.

<sup>1</sup>**231.** After finalization of thoks and timings, a meeting of the concerned permanent holders of the command will again be arranged, and warabandi so finalized be discussed with them and if need be reasonable modifications may be made, and signatures of those who are present at the meeting, may be obtained on all these documents, and detailed report be submitted to the Executive Engineer for approval.

<sup>2</sup>**232.** The Executive Engineer, on receipt of the report under rule 231 shall examine it carefully and accord approval with modification if any, and return the same to the officer submitting the report. The latter will arrange to furnish the copies of the approved osrabandi or warabandi programme along with all details to Irrigation Panchayat, Thokdars and the cultivator concerned for giving effect to the osrabandi or warabandi programme. The Programme so conveyed shall be binding on all the beneficiaries whether they are signatories to the applications or not.

**233.** The selected thokdars shall manage the distribution of water within them. If any thokdar or permanent holder of not less than two-third, or not less than 95 percent of the permanent holders of land under command of the thok, desire the assistance of Banihar for controlling the distribution of water within their thok shall request the Sub-Divisional Officer to appoint Banihar who shall do so provided that the permanent holders deposit the amount likely to be incurred on such appointment. The difference in actual expenditure for payment to Banihar and amount in deposit being recoverable from the concerned permanent holder

1,2. In rule 231 the word 'osrabandi' changed to "warabandi" and in rule 232 the words "or warabandi" added as per Notification No. F-27-8-81. MM-39 dated 6-11-82.

and in default the same shall be recovered as arrears of land revenue in proportion to the holdings of individuals in that thoks.

**234.** The thokdar may however interchange the timings If the beneficiaries agree but not beyond the time fixed for the particular thok.

**235.** Precaution shall always be taken to operate the canal in such a way that the water reaches the outlets before half an hour as to enable the permanent holders to have full '3hare of water fixed for his turn and no turn is missed.

<sup>1</sup>**[236.** The Executive Engineer programme if there is : may revise warabandi

- (a) A change in the roster of channel;
- (b) A change in the ventage or position of the outlet or alteration in command;
- (c) Conversion of canal to well Irrigation or vice versa;
- (d) Cultivated area becoming uncultivated or vice versa;
- (e) Change In occupancy and other holdings;
- (f) Any other special circumstances which in the opinion of the Executive Engineer necessitate revision.

<sup>2</sup>**[237.** A register of the warabandi shall be maintained in the division, sub-division and Canal Deputy Collector's office in which all details from application to finalization of warabandi shall be mentioned.

<sup>3</sup>**[238.** Whoever violates osrabandi or warabandi programme shall be punishable with fine which may extend to Rs. 250 and where the breach is continuing one with further fine which may extend to Rs. 10 for every day after the first during which the breach has been persisted in.

1,2,3. In rule 236 & 237 the word osrabandi changed to warabandi and in rule 238 words "or warabandi" added as per Notification No. F-27-8-81MM-39 dated 6-11-82.
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**239.** If Irrigation Panchayat or the permanent holders of not less than two third, or not less than 95 percent of the permanent holders of, all land under irrigation or under agreement in a village, mahal or chak desire the assistance of Banihar for distribution of water beyond outlet, they shall intimate their desire in writing to the section subordinate, specifying the period for which the assistance is fequired.

**240.** On receiving the intimation the section subordinate shall intimate the same to the Sub-Divisional Officer who shall fix the number of Banihars to be appointed in village, Mahal or chak in consultation with the Panchayat.

**241.** The Banihar or Banihars so appointed shall hold their posts for the specified period unless they are previously dismissed or removed by the Sub-Divisional Officer for reasons recorded in writing.

**242.** Whenever an Irrigation Panchayat, departmental staff, or Banihar, as the case may be, in the performance of *Its* or their duties to control the distribution of irrigation beyond the outlet considers that it is expedient to pass the water received by a person in his field for irrigation beyond such field, the Panchayat, departmental staff, or Banihar shall ask such person to allow the water so to pass to the satisfaction of the Panchayat, departmental staff, or the Banihar. If such person refuses to allow the water to pass, the Panchayat, departmental staff or Banihar may, enter upon such field and take such action as deemed fit for the passage of water beyond that field.

**243.** The Irrigation Panchayat in a village, mahal or chak, in which Banihar or Bahihars have been appointed for controlling the distribution of irrigation beyond the outlet, shall not be paid any commission for administrative work. The amount of such commission shall be utilised for remunerating the Banihars.

**244.** (j) The remuneration of Banihars shall be determined and paid by the Executive Engineer. It shall be met from the commission for administrative work which would have been payable to Irrigation Panchayat. If the amount of such commission falls short of the remuneration fixed, the difference shall be recovered from the permanent holders being determined In proportion to the area irrigated or under agreement held by him.

(ii) If a permanent holder commits a default in payment of the sum payable by him for the remuneration of a Banihar the Canal Deputy Collector shall, recover the dues outstanding as arrears of the land revenue.

## **Section 99**

**245.** No enquiry into a canal offence shall be made by an officer below the rank of a Sub-Engineer or Irrigation Inspector.

**246.** Any canal subordinate discovering the commission of an offence shall within 24 hours of such discovery, report it in Form 33 called "Preliminary Offence Report" to his immediate superior officer authorized to hold an enquiry into such cases.

**247.** The canal officer or subordinate shall, as speedily as possible, and if he is a Sub Engineer or Irrigation Inspector within 15 days of the date of the report, and if he is a canal officer within one month of the date of the report, shall complete the enquiry and submit the proceedings to the next higher officer.

**248.** After an enquiry has been completed, no further enquiry shall be made by any officer except with the previous sanction of the Executive Engineer, and such further enquiry shall not be entrusted to an officer below the rank of the official making the first enquiry.

**249.** When a person is reasonably suspected of having committed an offence punishable under the Act or the rules made there under, and a canal officer considers that it should be compounded, he shall issue a notice in writing under his signature to such person requiring him to attend at the time and place specified in the notice. It need not be in duplicate and shall be served on the person concerned by any person deputed by the canal officer. The person to whom the notice is tendered shall sign or put his thumb mark thereon by way of acknowledgement and return it to the server. If

M. P. Irrigation Rules, 1974

**250.** Every officer, making an enquiry under these rules shall day by day enter his proceedings in the diary book, setting forth the time at which the information reached him, the time at which he began and close his investigation, the place or places visited by him, and statement of the circumstances ascertained during his enquiry. He shall also record the statement of all persons summoned as witnesses and he shall record separately the statement of the accused as to whether he is willing to compound or not, he must take the signature of the accused to this statement. Save as provided in rule 251 no person attending the enquiry shall be detained after its completion.

**251.** No person shall ordinarily be arrested under the powers given under section 98 of the Irrigation Act unless the accused has no fixed abode or is likely to abscond. Any person who has been arrested must be brought before a Magistrate or handed over to the nearest police station without unnecessary delay.

**252.** If the enquiry officer has the power to compound the offence, and the accused consents to compound the offence, the enquiring officer may fix and levy the amount of Compensation. Such amount shall be paid immediately within such time as the enquiring officer may fix.

**253.** If the enquiring officer has no power to compound the offence, or the accused refuses to compound, or refuses to appear, or the enquiry has not been completed within the time fixed under rule 247. he shall forward his proceeding through the proper channel to the Executive Engineer for orders. On receipt of the enquiry, the Executive Engineer shall pass such orders as it may appear necessary.

**254.** On the application of these rules, all rules, made or issued on this subject and which were in force in this State immediately before the commencement of these rules, shall stand repealed.

Provided that any thing done or any action taken under the rules, so repealed shall so far as it is not inconsistent with the provisions of these rules shall be deemed to have done or taken under the provisions of these rules.

# FORMS

(Form) 1

(See rules 28)

## Crossings over channels

Date ----- Inspection made on

Division -----

Name of work -----

Name of Channel -----

Serial No.	Chainage	Name of Village	Name of work proposed and probable cost	By whom proposed	Reason necessitating the work as stated by the proposer	Opinion of the villagers
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Name and opinion of the S.D.O. Irrigation Deptt.	Name and opinion of the L.A.O. or other Officer of Rev. Deptt.	Name, remark's recommendation of the E.E.	Opinion of the Collector	Final decision
(8)	(9)	(10)	(11)	(12)

**(Form) 2**

Form of Application for construction of submerging Tank

(We the undersigned, residents of village,,-----

-----  
Tehsil... District, ..... being permanent

holders of the land, hereby apply for the construction of the submerging tank as per plan attached herewith and agree to abide by terms and conditions prescribed for such construction).

Signatures of the Permanent Holders.

**(Form) 3**

Form of Agreement for construction of Submerging Tank

Whereas, the State Government have agreed to construct a submerging tank for benefit of our land, as per details given below we the undersigned hereby agree as follows :

- (1. To pay Abi Rates and/canal water crop rates in addition to Abi rates as specified by Government from time to time, on all our lands under rules 62 and 63 of the Madhya Pradesh Irrigation Rules, 1974).
- (2. We agree that we will not claim any compensation for the period of submergence of our lands and will not interfere in any way for opening of the gates etc. before specified time)
- (3. In year, of scarcity if it is considered that the tank should not be emptied for the welfare of the general public, we shall have no objection for such submergence except demanding the privileges whatsoever admission under the rules in force).
- (4. Should any dispute arise, as regards terms and conditions or anything to be done there under, the dispute shall unless it is otherwise provided for, be referred for the decision of the Superintending Engineer and his decision shall be final

We certify that we understand the terms and conditions of this agreement and the details of holdings are correct.

Serial No	Village Tehsil District	Name of the Permanent holders	Survey No	Area	Signature thumb impressions of the permanent of the permanent holder

Signature of the Executive Engineer,  
-----

Signature of the Permanent Holders  
-----



**Form- (4)**  
**Application for supply of water on demand**

<b>S. No</b>	<b>Original</b>	<b>Duplicated</b>	<b>Triplicate</b>
1	Name of Village	Name of Village	Name of Village
2	Work under which situated	Work under which situated	Work under which situated
3	Name of distributory or minor from which water is required	Name of distributory or minor from which water is required	Name of distributory or minor from which water is required
4	Chainage of outlet from which water is required	Chainage of outlet from which water is required	Chainage of outlet from which water is required
5	Name of crop to be irrigated	Name of crop to be irrigated	Name of crop to be irrigated
6	Approximate area demanding irrigation	Approximate area demanding irrigation	Approximate area demanding irrigation
7	In the case of rice, approximate area of rice in the chak or block concerned	In the case of rice, approximate area of rice in the chak or block concerned	In the case of rice, approximate area of rice in the chak or block concerned
8	Date on which irrigation is required	Date on which irrigation is required	Date on which irrigation is required
9	Name of occupier requiring irrigation	Name of occupier requiring irrigation	Name of occupier requiring irrigation
	We, the undersigned, require water for the irrigation of the crop specified above and agree to pay for it at the demand rate. We understand that water will be issued at such times and in such quantities as the Executive Engineer may order and that any sums due from any of us which are not paid by the date fixed will be recoverable as arrears of land revenue and that the decision of the Executive Engineer regarding charge to be levied is final and that no appeal shall lie against. We also know that no Suit for compensation lies either against the State Government or its officers in connection with our application for the supply of water and any order passed there on.	We, the undersigned, require water for the irrigation of the crop specified above and agree to pay for it at the demand rate. We understand that water will be issued at such times and in such quantities as the Executive Engineer may order and that any sums due from any of us which are not paid by the date fixed will be recoverable as arrears of land revenue and that the decision of the Executive Engineer regarding charge to be levied is final and that no appeal shall lie against. We also know that no Suit for compensation lies either against the State Government or its officers in connection with our application for the supply of water and any order passed there on.	We, the undersigned, require water for the irrigation of the crop specified above and agree to pay for it at the demand rate. We understand that water will be issued at such times and in such quantities as the Executive Engineer may order and that any sums due from any of us which are not paid by the date fixed will be recoverable as arrears of land revenue and that the decision of the Executive Engineer regarding charge to be levied is final and that no appeal shall lie against. We also know that no Suit for compensation lies either against the State Government or its officers in connection with our application for the supply of water and any order passed there on.

Name of occupiers requiring irrigation 1.----- Name of occupiers requiring irrigation 1.----- Name of occupiers requiring irrigation 1.-----  
 2.----- 2.----- 2.-----  
 3.----- 3.----- 3.-----

Dated Signature of Sarpanch  
**Report by Amin**  
 Can the area be irrigated from the outlet specified ? If not, from what outlet should it be irrigated?  
**Date** -----

Dated Signature of Sarpanch  
**Report by Amin**  
 Can the area be irrigated from the outlet specified? If not, from what Outlet should it be irrigated?  
**Date** -----

Dated Signature of Sarpanch  
**Report by Amin**  
 Can the area be irrigated from the outlet specified? If not, from what outlet should it be irrigated?  
**Date** -----

**Signature of Amin**

**Signature of Amin**

**Signature of Amin**

**Report by Section subordinate**

**Report by Section subordinate**

**Report by Section subordinate**

Do you consider it desirable that the application be complied with or not? If so, Why? If not, why not?

Do you consider it desirable that the application be complied with or not? If so, Why? If not, why not?

Do you consider it desirable that the application be complied with or not? If so, Why? If not, why not?

Date.....

Date.....

Date.....

Signature of Section Subordinate

Signature of Section Subordinate

Signature of Section Subordinate

**Remarks by S.D.O**

**Remarks by S.D.O**

**Remarks by S.D.O**

Order of executive Engineer

Order of executive Engineer

Order of executive Engineer

Date.....  
 Signature -----

Date.....  
 Signature -----

Date.....  
 Signature -----

Signature of sarpanch in token of  
Having seen the order of E.E.

-----

Marks/Signature of 1-----

Occupier requiring 2-----

Irrigation. 3.-----

4-----

Date of which water is first issued -----

Signature of Amin

Signature of sarpanch in token of  
Having seen the order of E.E.

-----

Marks/Signature of 1-----

Occupier requiring 2-----

Irrigation. 3.-----

4-----

Date of which water is first issued -----

Signature of Amin

Signature of sarpanch in token of  
Having seen the order of E.E.

-----

Marks/Signature of 1-----

Occupier requiring 2-----

Irrigation. 3.-----

4-----

Date of which water is first issued -----

Signature of Amin

**Form 5**

**( See Rule 68)**

Form of application for the supply of water to supplement a village tank

(We, the undersigned residents of mouza ----- being the owners of having the right to use the tank in that village situated in Khasra number ----  
-----, hereby apply for supply of water from the ----- tank/canal. The quantity required is about ----- m.c. f.t

-----

Signature of applicants

(we/I agree that water may be supplied as desired by the applicants, but undertake on/undertakes responsibility for payment therefore).

Signatures of owners when they are not applicants

(The above applicants are informed that, after the form of contract attached is signed by them and suitable arrangements are made to deliver the water from the point at which it is supplied into the tank, a quantity of about ..... m.c. ft. will be issued on ..... The charge to be paid for the water will be about Rs. ....).

Executive Engineer

**(Form) 6**

(See Rule 69)

Form of contract for the supply of water to supplement a village tank

( We, the undersigned residents of mouza ..... being the owner of/having the right use the tank in that village, situated in khasra No. .... undertake in consideration of the supply of about ..... m.c. ft. of water from the ..... tank/canal.

- (a) to make suitable arrangements, to deliver the water from the point at which it is supplied into the tank.
- (b) jointly and severally to pay with the ..... kist the sum assessed on account of water supplied at a rate of Rs. .... per ..... m.c.ft.
- (c) that the water supplied shall not be used for the irrigation of crop that is not under agreement.

(1. We agree -)

- (a) that, if the Executive Engineer is not satisfied with the arrangements made by us to deliver water into our tank and if he incurs any expenditure on their improvement, we shall be liable to pay the sum so expended at the same time that we pay for the water received ; and
- (b) to accept the measurements as determined by the Executive Engineer of the quantity of water supplied as final.
- (3. Arrears of any sum due from us may be recovered as of arrears land revenue).

Signatures of the applicants.

I sanction the supply of water applied for and accept this contract.

.....

Executive Engineer

..... Division

Dated

**Form ) 7**  
**(See Rule 72)**

(An agreement made on the ..... day of ..... One thousand nine hundred and ..... Between the Governor of Madhya Pradesh herein after referred) to as ' the Government' (which expression shall unless excluded by, or it be repugnant to the context or meaning there of deemed to include his successors of the one part and the ..... a company registered under the Indian Companies Act, 1913 (VII of 1913)/ The Companies Act, 1955 (1 of 1956) and having its registered office at ..... here in after referred to as 'the Company' (which expression shall, unless excluded by or it be repugnant to the context or meaning there of deemed to include its successor of the other part);

(Where as the Company has applied to the Government for permission to draw ..... Litres (i.e. .... Gallons) of water per day from the ..... Canal (hereinafter referred to as "the said canal") for the use by the company's ..... plant (hereinafter referred to as "the said Plant" and laying underground and surface pipes and drains for discharge of the factory effluent).

(And whereas the Government has agreed to grant the aforesaid permission to the Company on the terms and conditions hereafter appearing);

(And Whereas prior to the execution these present the Company has deposited with the Government the sum of Rs. .... Being the water rates and local fund cess for the quantity of water to be drawn by the Company in six months);

(And Whereas it has been agreed that the said sum of Rs. .... will not bear any interest);

Now this agreement witnessth as follows:-

- (1) In consideration of the Company Duly making payment to the Government as hereinafter specified and duly observing and performing the covenant and conditions, both here in contained Government hereby give permission to the Company to draw ---- litres of water per day from the said canal to the Company's said plant for a term of ----- years commencing from the ----- day of -----19----- on the terms and conditions herein contained. The permission hereby granted shall be shall subject to the provisions of the Madhya Pradesh Irrigation Act, 1931 (3 of 1931), amendments thereof and any executive orders issued in this behalf by Government from time to time and for the time being in force).
- (2) The Company shall pay to the Government water rates for water drawn by it from said canal at the following rates namely :-----  
-----

(Note :- Here rates which are going to apply to the Company must be shown and not other rates).

(In addition to the payment of water rates referred to above, the Company shall also duly pay to ----- Local Fund cess or any other tax at the rates as fixed by the Government from time to time. Government hereby reserves to itself the right to revise from time to time the said water rates and the local cess or other taxes to be paid by the Company and the Company shall pay such revised Government from time to time. Excepting the circumstances or short water supply described in clause (14) hereof the company shall in any event, pay water charges for at least 90% of the total quantum of water allowed to be drawn by it though the actual quantity of water drawn by the Company is less than 90% of the quantum of water allowed to be drawn by it by clause (1) hereof).

- (3) Nothing herein contained shall be deemed to imply any guarantee on the part of the Government as to the availability or otherwise of any specific quantity of water and Government shall not be responsible for the non-supply or inadequate supply of water on any account whatsoever, and for damages or loss arising due to non –supply or less supply of water).
- (4) The water from the said canal, shall be used by the Company for the purposes of the Company's said plant and shall not be sold or other body. In the event of any such sale by the Company, without prejudice to the Government's rights to revoke this licence, Government shall be entitled to recover from the Company, the proceed of such sale realized by the Company);
- (5) The permission hereby granted shall not in any manner prejudicially affect the existing water rights vested in the upstream riparian owners nor shall it in any way, prejudice Government's right to hereafter launch or implement any new scheme or schemes of its own at, on or in connection with the present source of the said canal).
- (6) The company shall not construct the pick-up weir in the said canal unless the proposals, plans, drawings, specifications , estimates and all other details thereof are previously submitted to and approved in writing by an officer authorized in that behalf by the Government and while granting its approval to the construction of the pick-up weir Government may impose such conditions as it may in its absolute discretion think fit).
- (7) The arrangements for measurement of the water drawn by the Company from the said canal shall be made by the Company in such manner as may be directed by the Government of the Executive Engineer ----- Division (hereinafter referred to as " the Executive Engineer"). The automatic measuring device shall be installed and maintained by the company at its own cost after obtaining prior approval there to in writing from the Government or the executive Engineer. If measuring device so installed by the Company as aforesaid, ceases to function or goes out of order, the charges which the Company would be liable to pay to Government in respect of consumption of water for the days measuring device does not work, shall be calculated on maximum

pumping capacity of the pumping Station installations erected at the head work of the Pumping Station by the Company on its own land as aforesaid ).

- (8) (The company shall at no time discharges any effluent water into the said canal but shall make its own arrangement at its own costs for its proper disposal).
- (9) With in thirty days from the date monthly demands are received by the Company from the Executive Engineer, the Company shall pay to the ----- the amount of water rates and local fund cess for the water drawn by the Company during the proceeding month).
- (10) (The company shall always keep deposited with the ----- the said sum of Rs.----- as security for due and proper payment of the water rates and local fund dues and irrigation dues and due observance and performance of the terms and conditions herein. In the event of failure by the Company to duly pay the aforesaid dues, the outstanding dues from the Company shall be adjusted against the said deposit. On default of the Company to punctually pay the water rates and Local Fund Cess as aforesaid, Government shall without prejudice to its any other rights and remedies, be entitled to terminate this agreement forthwith.)
- (11) Without prejudice to any other, its remedies and powers of the Government any sum due and payable by the Company, under these presents shall be recoverable from the Company in the same manner as an arrear of land revenue under the provisions of law for the time being in force in that behalf .)
- (12) The Executive Engineer shall as far possible declare in advance, the periods during which the said land or other artificial sources feeding the said canal will ordinarily be closed, for cleaning and overhauling, and if possible will declare a fortnight in advance the actual date of curtailing or stopping of water supply from the said canal. Provided however, the Executive Engineer, shall be entitled to apply cut in water supply from any Government artificial channel with. out previous notice, and then Company shall have no right for any compensation due to such cut in water supply.)
- (13) In the event of there being a shortage of water in the said Canal or artificia1 sources, the Executive Engineer shall serve a notice on the company explaining the possibility of the anticipated shortage. The Company shall in such circumstances, reduce the consumption of water and will furnish to the Executive Engineer, a weekly return showing the actual quantum of water drawn by it.)

- (14) The Government shall be entitled to withdraw the permission hereby granted to the Company to draw water after giving to the Company one month's prior notice in writing in that behalf).
- (15) No existing irrigation interests under the river, spring, channels and irrigation wells, shall be prejudiced. If in the opinion of the Government such existing interests are prejudiced, the Company shall pay such compensation to the concerned person or persons whose interests are affected as may be determined by Government).
- (16) Water shall ordinarily be drawn by the Company only when the said canal is flowing during the period prescribed by the Executive Engineer for the Company, from time to time and the Company shall arrange to draw its quota only during this prescribed period. Drawal of water on days other than the prescribed ones, which will prejudice the interest of others and cause losses will not be allowed.)
- (17) The Company shall at all times allow an officer of Irrigation Department of the Government of Madhya Pradesh authorized in that behalf, to inspect the measuring device as well as the accounts and furnish to the Government copies of entries from the records maintained by the Company.)
- (18) Any notice or other documents to be given to or served upon the Company thereunder may be given or served on behalf of the Government by the Executive Engineer and any such notice or documents shall be deemed to have been duly given to or served upon the Company if it is sent by registered post or delivered at the registered office of the Company.)
- (19) If the company commits a breach of any of the term and conditions hereof, Government shall be entitled to forthwith terminate this agreement and thereupon the Company shall discontinue to draw water from the said canal without Government being liable for payment of any compensation whatsoever to the Company.)
- (20) On the expiry of the term of this agreement Government, may renew this agreement for such further period and on such terms and conditions as the Government may in its absolute discretion deem fit.)
- (21) The costs and incidental charges incurred in the execution of this agreement including stamp duty shall be borne and paid by the Company.)

( IN WITNESS WHEREOF ..... Executive Engineer,.....Division, has for and on behalf of the Government of Madhya Pradesh hereto set his hand and affixed the seal of the office and the Common Seal of the..... has been hereupto affixed on the day year first herein above written.)

SIGNED, SALED, DELIVERED

(by -----Executive Engineer,..... for and on behalf of the Governor of Madhya Pradesh in the presence of.)

1... . . . . .

2.....

( THE COMMON SEAL OF.....was pursuant to the resolution of the Board of the Directors of the Company dated the .....and.....  
..... Directors of the Company who in token thereof have hereto set their respective hand in the presence of-.....)

1.....

2.....

**(Form ) 8**  
**(See Rule 84)**  
**Part I**

( Whereas the State Government has agreed to supply water from the tank/canal for the purpose of irrigation of the.....-... crop in the area under that crop that is commanded by the said tank/canal in the village of and undertakes.)

- (I. To deliver the water equitably at a commanding point or points in the said village;)
- (II. To supply the water when it is required subject to)
  - (a. Its being available, and)
  - (b. the regulation of the supply by the Executive Engineer and its delivery at such time or times as may seem to him most conducive to the interests of the cultivators.)
- (III. To grant us remission in accordance with the rules under section 47 of the Madhya Pradesh Irrigation Act as following:-)
  - (a. When owing to defect in the head works of distributing system of a canal and not to shortage of supply, water is not delivered when required in any area, the Superintending Engineer may grant remission of canal revenue in such area though it is not admissible according to the scales prescribed in rule I.)
  - (b. In years of general failure of the monsoon an enquiry shall in accordance with such instructions as may be issued by the State Government be made into the outturn by Irrigation Officers in consultation with Revenue Officers. For purposes of remission the Khasra numbers in the canal irrigated area in each village shall be divided into groups, and the Executive Engineer shall grant remission, on the scale prescribed in rule I, by individual Khasras number according to the estimated outturn of the group concerned.)

**( Part II )**

(We the. undersigned, being permanent holders of the land usually cropped with -----in the said village of; commanded by the said tank/canal hereby agree as follows :-)

(1). To pay water rates at the rates and for the years specified in the schedule below on all land under agreement in the years detailed, which is commanded by the said tank/canal, whether such land is sown or not and irrigated or not; provided that the Executive Engineer with the sanction of the Superintending Engineer may exclude from this agreement any area which in his opinion, it is undesirable to include for reasons to be recorded by him and provided further that land classified at the current settlement as irrigated from any private source of irrigation or classed as bahra, Jhilan, Bandhwas, narbhanda, tagarbandhia or talas, or declared as wet by the Executive Engineer with the sanction of the Superintending Engineer may exclude from the agreement entirely at the option of the permanent holder. If the permanent holder of such lands desires subsequently to include them in this agreement they shall if the Canal Deputy Collector with the authority of the Executive Engineer, agrees to their inclusion, be liable to assessment at a rate which shall be Rs-.paise ,per acre less than the rates prescribed in the schedule provided that the lands are assessed to revenue at a wet rate :-)

**(Schedule)**

Year	water rate per acre

(2). To take the supply of water delivered to us from the assigned outlet(s), the size and position (s) of which shall be fixed by the Executive Engineer may, be altered by him when necessary.)

(3). To make payment of the full amount of water rate levied under clause (1) in part II to the sarpanch or a member of the panchayat on or before the 31st March/30th June or such later date as may be fixed by the Superintending Engineer.)

**( Part III )**

(We understand that-)

(1). The State Government does not undertake to supply our demands in full at all times, and the fact that it is unable to or fails to do so does not entitle us to claim a remission of the rate or any other concession.)

(2). Under clause (2)(b) in part I water may be delivered into our fields continuously under the instructions of the Executive Engineer and subject to the control of the Sub-Divisional Officer, provided that due regard is paid to the safety of our crops.)

(3). if any wet-land cultivated with in which is not covered by the terms of this agreement, is irrigated, such irrigation shall be paid for at the demand rate or such higher rate as may be decided, depending on the circumstances in which the irrigation is done; and)

(4). no assessment will be made on dry land not under agreement which may be cultivated with the crop under agreement at any time during the period of this agreement.)

**( Part IV )**

(Should any dispute arise as regards the terms or construction of this agreement, or anything to be done thereunder the dispute shall, unless it is otherwise provided for, be referred for the decision of the Superintending Engineer and his decision shall be final.)

**(Part V )**

(We certify that we understand the terms of this agreement.)

.....  
(Signatures or marks of permanent holders.)

**(Form) 9**

**(See Rule 84)**

**Short term Agreement Form**

( Whereas .....the State Government has agreed to supply water from the tank)canal to Shri -----S/o resident of village....." Tehsil.....District.. for the purposes of irrigation of the crop mentioned below for the season Kharif/Rabi/Zaid for the year-----)

S. No.	Name & No. of outlet with sizes	Khasra No.	Area	Name of Crop	Remarks
(1)	(2)	(3)	(4)	(5)	(6)

(and also undertakes)

(1) To deliver water suitably at a commanding point (s) in the said village;)

(2) To supply the water when it is required subject to-

- a. Its Being available, and)
- b. The regulation of the supply by the Executive Engineer and its delivery at such time or times as may seem to him most conducive to the interests of the cultivators).
- c. To grant remission is accordance with the rules under section 47 of Madhya Pradesh irrigation ct, 1931).

**( Part II )**

I the undersigned, being the permanent holder of the land hereby agree as follows-

- (1.) To pay water rates at the rates specified in the schedule determined by the Government on the area entered in the agreement whether such land is irrigated by me or not).
- (2.) To take the supply of water delivered to me from the assigned out let (s) size and position (s) of which shall be fixed by the Executive Engineer and may be altered by him when necessary.)
- (3.) To make payment of the full amount of water rate levied under clause (1) in Part II to the sarpanch, or a member of the Panchayat on or before 31st March, 30th June or such later date as may be fixed by the Superintending Engineer).

**Part -III**

- (1). The State Government does not undertake to supply my demands' in full at all times, and the fact that it is unable to or fails to do so does not entitle me to claim a remission of the water rate or any other concession).
- (2). Under clause (2) (b) in Part I water may be delivered into my field continuously under the instructions of the Executive Engineer and subject to the control of the Sub-Divisional Officer, provided that due regard is paid to the safety to my crops, and)
- (3). If any land which is not covered by the terms of this agreement is irrigated, such irrigation shall be paid for at double the rate or such rate as may be decided, depending upon the circumstances in which the irrigation is done).

**Part IV**

- (4). Should any dispute arise as regards the term, or conditions of this agreement or any thing to be done there under the dispute shall unless it is otherwise provided for "be referred for the decision of the Superintending Engineer, and his decision shall be final).

**Part V**

I Certify that I understand the terms of this agreement.

Witness

-----

-----

(Signature or Marks of permanent holder)

**Certificate**

(( I here by certify that the rules and relevant details have been explained to the person who was entered into the agreement).

**(Form 10)**

(See rule 84)

**Supplementary Long Term Agreement**

1 .....son of ..... Caste...a permanent holder of land irrigable from .....tank/canal in the village ..... of ..... in the .....tehsil of the...District, hereby declare that I am bound by the agreement entered into between other permanent holders of this village and Canal Deputy Collector on or about the.....day of..... and I further declare that I understand the terms of the agreement, Dated the .....day of .....20.)

.....

Signature or mark of the permanent holders.

**(Form) 11**

**(See Rule 89)**

(I,..... Canal Deputy Collector/Irrigation Inspector for the tank/canal hereby certify that on li visit to..... the date whereof was. duly notified to the villagers, I heard all objections~ raised by the permanent holders of irrigable land in the said village arid find that no cause has been shown against a declaration that this agreement is binding on all permanent holders of irrigable land in the said village to which this agreement is applicable, and I accordingly hereby declare that this agreement is so binding,)

Dated ----- day of ----- 20

Signature of Canal Deputy Collector or Irrigation inspector.

**(Form) 12**  
**(See Rule 100 and 105)**  
**(Notification)**

(It IS notified for the information of all concerned that water for irrigation of Kharif/Rabi/Zaid crop for the year Samwat..... to the extent of ... acres wi1l be supplied from the canals/tanks as per details and subject to terms and conditions mentioned below).

(The concered should therefore submit their agreement to the respective Irrigation Inspector or the authorized subordinate or on before .....)

- (1. The agreement will be accepted to the extent of the area proposed).
- (2. The right to accept or reject the agreement of the defaulters and of all those who persistantly fail to clean and maintain their water courses in a fit state of repairs rests with the department).
- (3. The water will be given on turn under warabandi programme.)

Name of work	Name of Canal or Distributary's	Area proposed in acres	Remarks
(1)	(2)	(3)	(4)

Executive Engineer, Irrigation Division

<sup>1</sup>[Word osrabandi changed to warabandi vide notification No. F-27-8-81 MM - 39 dated 6-11-82.]

**(Form) 13**  
**(See Rule 114)**

**(If Application for Remission of Irrigation Revenue**

**(Note-**Application for the remission of water rates should be submitted in this form to the Irrigation Inspector, and for the remission of dues on account of tank bed cultivation to Sub-Divisional Officer through the Section Subordinate. Applications concerning the Kharif kist should be submitted by the 31st October and those for the Rabi kist by the 15th February or 14 days before the crop is cut.)

- (1) Name of village) (Tehsil)
- (2) Name of work and Distributary under which it is situated.)
- (3). Reasons for requesting remission i.e. why crop has failed.)
- (4). Details of area Oil which remission is requested,)

Name of applicants & Signatures	Khasra number	Area	Crop	Rate	Amount
1	2	3	4	5	6
		Acres		Rs.	P.

- (5). Irrigation Inspector should give comments and recommendations indicating reasons for possible loss.)
- (6).C. D. C's comments & recommendations.)
- (7). Orders of the Executive Engineer.)

fVIi .kh& सिंचाई निरीक्षक द्वारा अपनी टिप्पणियां तथा सिफारिश इस प्ररूप में तुरंत प्रविष्ट की जायेंगी या यदि वह निरीक्षण के बिना ऐसा न कर सकता हो तो वह स्वयं क्षेत्र का निरीक्षण करेगा या अनुभाग अधीनस्थ को ऐसी व्यवस्था करने को कहेगा। किसी भी दशा में यह प्ररूप सिंचाई निरीक्षक द्वारा इस प्रकार प्रस्तुत किया जाएगा कि जिससे वह उसकी प्रथम प्राप्ति से 10 दिन के भीतर नहर डिप्टी कलेक्टर के पास पहुंच जाए। नहर डिप्टी कलेक्टर ऐसा निरीक्षण करने के पश्चात् जैसा कि संभव हो, कार्यपालन यंत्री को आवेदन पत्र उसकी प्राप्ति से 14 दिन के भीतर प्रस्तुत करेगा।

Initial or seal  
of Divisional  
Head

**(Form 14)**  
**Irrigation Panchayat member election Form**

( I, cast my vote in favour of the following persons to whom I consider fit for becoming a member of Irrigation Panchayat of village.....)

- 1. ....
- 2. ....
- 3. ....
- 4. ....
- 5. ....

.....

(Signature of the writer)  
(in case of illiterate persons)

Signature or thumb  
impression of the voter

**Certificate by the Presiding Officer**

(I certify that the voter has presented it after filling it himself or by another person (in case of illiterate persons) in my presence.)

.....

Signature of the Presiding Officer

**(Form) 15**  
**(See Rule 156 and 169)**  
**(Proceeding Book)**

Date	Name of Panchas Present	Business transacted	Signature or thumb impression of Chair- man or president
(1)	(2)	(3)	(4)

**(Form) 17**  
**(See Rule 169)**  
**Receipt Book**

Book No..... Receipt .....

Book No..... Receipt.....

Date.....19.....

Date.....19.....

No of work .....

No of work .....

Place .....

Place .....

Received from Son of .....

Received from Son of .....

Caste.....

Caste.....

Rupees..... (in words and figures)

Rupees..... (in words and figures)

-----  
Signature of Sarpanch

-----  
Signature of Sarpanch

Date.....

Date.....

UKM & वर्तमान निर्देशों के अनुसार अब इस रसीद पुस्तक की पर्ण/प्रति पर्ण के स्थान पर मूल प्रति एवं कार्बन प्रति के रूप में छापकर प्रयोग में लाना है।

**Forms 16** (see rule 169)  
**Panchayat Fund Account Book**

Receipts					Payment				
Date of receipt	No of Receipt	From whom received and on what account	Amount Rs.	Remarks	Date of payment	No. of voucher	To whom paid and on what account	Amount Rs.	Remarks
1	2	3	4	5	6	7	8	9	10

This account must be closed and balanced at the end of every month and the account signed by the sarpanch or literate member on sarpanch's behalf, if sarpanch is illiterate.

**(Form) 18**  
**(See Rule 171)**

(Register showing the names of Sarpanchas and panehas appointed for the Irrigation villages of.....)

(Name of work .....)

Name and number of Distributary	Serial Number	Names of villages with Patwari circle	Names of Sarpanchas	Names of Panchas	Remarks
1	2	3	4	5	6

**Form) 19**  
**(See rules 172)**

Shudhkar Khasra Irrigation village. .... Tehsil. .... District. .... Samvat. .... year.

Name of tank, canal and out let etc.	Serial No.	Khata No.	Survey No.	Area of Settlement	Name of cultivator and fathers name and caste residence etc.	Area under command		
						Dry	Wet	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

**Fasal Kharif**

Details of Irrigation

Details of agreement			Area under flow irrigation			Area under private lift irrigation		
No. and date	Area	Crop	Single rate area	10% extra rate area	Unauthorized area	Single rate	10% extra rate area	Unauthorized rate area
10	11	12	13	14	15	16	17	18

**Fasal Kharif**

**Abstract**

Area							
	Name of crop	Rate	Single Rate	10% extra rate	Unauthorized	Amount assessed	
Area under Govt. lift irrigation				Area under submerging tanks			
Single rate	10% extra rate area	Unauthorized rate area	Total	Submerged area	Crop	Water rate	Amount assessed
19	20	21	22	23	24	25	26

Fasal Rabi						Details of irrigation						
Details of Agreement			Area under flow irrigation			Area under private lift irrigation			Area under Govt. Lift			
No. & date	Area	Crop	Single rate area	10% extra rate area	Unauthorized area	Single rate area	10% extra rate area	Unauthorized area	Single rate	10% extra rate area	Unauthorized rate area	Total
27	28	29	30	31	32	33	34	35	36	37	38	39

**Abstract**

	Area			
Name of crop rate	Single rate	10% extra rate	Unauthorized area	Amount assessed

**Fasal Extra**

**Details of irrigation**

Area under Submerging tanks				Details of agreement			Area under flow Irrigation		
Submerged	Crop	Water rate	Amount assessed	No. and date	Area	Crop	Single rate area	10% extra rate area	Unauthorized area
40	41	42	43	44	45	46	47	48	49

Fasal extra

Details of Irrigation

Area under private lift irrigation			Area under Govt. lift			Total	Area under Submerging tanks				Remarks
Single rate area	10% extra rate area	Unauthorized area	Single rate area	10% extra rate area	Unauthorized area		Submerged	Crop	Water rate	Amount assessed	

50	51	52	53	54	55	56	57	58	59	60	61
----	----	----	----	----	----	----	----	----	----	----	----

**Abstract**

		Area			
Name of Crop	Rate	Single rate	10% extra rate	Unauthorized area	Amount assessed

**(Form) 20**  
**(See Rule 173)**  
**Irrigation Parcha (Bill)**

Agreement/Demand/Un-authorized

Name of Village ..... Tehsil ..... District..... Crop..... Year..... Sawvat

Name of cultivator with full particulars

Date of Issue.....

		Details of irrigations									
Khata Serial No.	Survey No.	Type of Irrigation	Area	Commodity	Rate	Amount due	Amount of remission	Net amount due	Previous years arrear' due	Total of Col	Remarks

Signature of Amin

Signature of section Subordinate

**(Instructions)**

- (1. Objections in respect of any wrong entry for water supplied on agreement or on demand or unauthorized irrigation, waste of water etc. may be made to the section subordinate, within 10 days from the receipt of the Parcha. Parcha must accompany with the petition.)
- (2. Appeal against the order of Irrigation Inspector must be made in writing to the Canal Deputy Collector, Sub-Divisional Officer or the Executive Engineer as per rules as the case may be within 10 days of the date of such order.)
- (3. Appeal against the order of the Executive Engineer may be made to the Collector within 30 days of the date of such order.)
- (4. The occupier should obtain receipt in Sinchai Pustika from the Irrigation Panchayat or Irrigation staff to whom the payment is made. In case of refusal or not giving receipt report should be made to the Executive Engineer within 15 days.)

**(Form) 21**  
**(See Rule 173)**  
**List of delivery of Irrigation Parcha (Bills)**

Name of Village..... Tehsil. .... District..... Crop..... Year.....

Serial No.	Name of occupier with full particulars	Date of delivery	Signature of thumb impression with date, of the person receiving the Parcha	Remarks
(1)	(2)	(3)	(4)	(5)

**(Form) 22**  
(See Rule 174)  
Irrigation Jamabandi Ledger

(concerning Tank/Canal).....

Village ..... Tehsil ..... District ..... Year Samvat .....

S. No	Name of cultivators, father name caste & residence etc.	Irrigation Serial No.	Khasra Suvery No.	Command area	Amount of irrigation cess assessed	Details of Amount Assessed							
						Type of irrigation	Area	Rate	Amount of dues	Type of irrigation	Area	Rate	Amount of dues
1	2	3	4	5	6	7	8	9	10	11	12	13	14

Fasal				Total amount assessed			Details of current year Realisation			Details of arear current year			
Type of irrigation	Area	Rate	Amount of dues	Irrigation cess	10+14+18 Water rate	19+20 Total	Water rate	Irrigation cess	Total	Water rate	Irrigation cess	Total	
15	16	17	18	19	20	21	22	23	24	25	26	27	
Balance at the end of the year				Total rarrers			Details of Realisation of arrers						
Year	Water rate	Irrigation Cess	Total	Water Rate	Irrigation Cess	Total	Water rate	Irrigation cess	Total	Challan No. & Date		Remarks	
28	29	30	31	32	33	34	35	36	37	38	39		

**Form 23**  
**Kistbandi Khataoni (See Rule 174)**

Name of Work..... Tehsil ..... District ..... Year ..... Fasal .....

Amin/ Patwari Halka .....Village.....

		Amount due			Amount of Remission			Balance due			Amount collected			Person making payment
Khata No.	Name of occupier	Water rate	Irrigation cess	Total	Water Rate	Irrigation cess	Total	Water rate	Irrigation cess	Total	Water rate	Irrigation Cess	Total	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Payment to treasury									Amount outstanding			Amount recovered out of arrear with date & challan no.		Remarks
		Amount remitted												
16	17	18	19	20	21	22	23	24	25	26	27			
Date of payment	Person making payment	Water rate	Irrigation cess	Total	Date of payment	Challan No. & Date	Water rate	Irrigation cess	Total	Amount remarks recovered out of arrear with date & challan No.	Remarks			

**(Form 24)  
(See Rule 174)**

**Abstract Kistbandi Khataoni**

Rabi..... Year ..... Samvat ..... Name of Tehsil  
 .....  
 Kharif .....  
 Year.....Samavt.....

Name of work	Amin Halka	Patwari Halka	Name of Village
1	2	3	4

Amount due			Amount of Remission		
5	6	7	8	9	10
Water rate	Irrigation Cess	Total	Water rate	Irrigation Cess	Total

Balance to be recovered		
water rate	Irrigation Cess	Total
11	12	13

Details of amount realized			Challan No. & date of amount paid to treasury
Water rate	Irrigation Cess	Total	
14	15	16	17

Name of person making payment	Balance to be recovered			Remarks
	Water rate	Irrigation cess	Total	
18	19	20	21	22

(Form 25)  
(See Rule 175)  
Register of Objections Regarding

Tehsil -----, District -----, Year -----, Division

S.No	Name of village tank or canal	Name of objectioneer	Details of objections	Date of issue of parcha	Date of submitting objection	Date of decision	
						Accepted	Rejected
1	2	3	4	5	6	7	8

Total minus area and amount in case of acceptance		Result of the appeal if any Date of order & name of court	Total deduction		Total minus area & Amt.		Remarks
Area	Amount		Area	Amount	(9) (12) Total	(10) (13) Total amount	
9	10	11	12	13	14	15	16

(Form 26)  
(See Rules 187)

Water Rates Defaulter's List

Name of Work..... Name of Village ....., Tehsil ..... Mumber of patwari Halka

Rabi/Kharif 19

Net demand from village i.e. gross demand less remission	Amount recovered by panchayat from the village	Balance due from the village	Name of defaulter, with father's name and caste	Arrears due from defaulter	Process fees	Total of columns	Amount recovered	Challan No. & date	Remarks (Details of excess collection be entered by the C.D.C. in red ink)
1	2	3	4	5	6	7	8	9	10

-----  
Signature of the Canal Deputy Collector

(Certified tat the sums mentioned on column (5) are due from the person mentioned in column (4). It is requested that these sums be recovered as arrears of land revenue under Section 61 of M.P Irrigation Act, 1931

-----  
Signature of The Executive Engineer

(Form 27)

(See Rule 188)

**Statement of Commission for collection work payable to Sarpanchas and member of Panchayats and patels**

-----  
(Name of work)

-----  
(Kits )

<b>Name of village</b>	<b>Total amount paid at the try. By the panchayat in each village</b>	<b>Total commission due in each village</b>	<b>Name of Sarpanchas and members of the Panchayat s</b>	<b>Amount payable to each sarpanch of the panchayats</b>	<b>Acknowledgement of the payee for the amount paid.</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>

(Form) 28

(See Rule 188)

The Commission paid to the Panchas

			Amount of Commission for supervision of Irrigation				
<b>Number of distributary or name of tank</b>	<b>Name of village</b>	<b>Name of saranchas &amp; Panchas</b>	<b>Area assessed</b>	<b>Max. Amount payable to each panch</b>	<b>Amount sanctioned by the Sarpanch</b>	<b>Sig of S.D.O making payment with date of payment</b>	<b>Ack. Of the payee for the amount</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>

**Form 29**

(See Rule 194 & 195)

(Investigation of water Courses)

( We, the permanent holder of land in the village/mahal/chak of ----- is covered by the irrigation agreement of the village/mahal/chak hereby apply for the investigation of a system of water course as detailed below, their construction and maintenance being subject to the terms stated in the Form 28 of contract).

(Signature of applicant)

**(Form 30)**

**(See Rule 196)**

**Contract for the Construction of Water Courses**

(We the permanent holders of land in the village/mahal/chak of..... which is covered by the irrigation agreement of that village/mahal/chak hereby agree, under section 65 of the Madhya Pradesh Irrigation Act, 1931 to the construction of a water course or system of water courses, as shown in the attached village map of the said village on the following terms;-)

- (1. The state Government shall construct the water course or system of water Courses and shall bear the cost of construction.)
- (2. We shall be responsible for the proper maintenance of the water courses and shall repair and maintain them under the direction of the irrigation panchayat and instruction of the Executive Engineer).
- (3. If, any time after the Executive Engineer has made a proclamation in the village under section 73 (A) requiring the repairs of a water course or system of water courses of be made to his satisfaction, we fail or refuse to make the repairs or the Executive Engineer is not satisfied with the manner in which they have been made, he may:-

- a. Acting under section 73 (b) stop the supply of water to the system or to any water course which has not been repaired in satisfactory manner, and)
- b. Acting under section 73(c) cause the repairs to be made and collect a sum not exceeding twice the cost thereof from ~he permanent holders or occupiers concerned in proportion to the area held by them which are ordinarily irrigated, may be irrigated, under an irrigation agreement through such water course or system of water courses.)

(Provided that when our village/mahallchak has ceased to be under an irrigation agreement, we shall not be required to maintain our water courses until it again comes under agreement when we shall be bound to place them in a satisfactory state of repairs, failing which we shall be liable to the penalties prescribed above.)

(4. If we, persistently fail to maintain our water courses in proper repairs, the Superintending Engineer, may after giving us one month notice of his intention to do so, cancel our long term irrigation agreement under section 56.)

(5. We are aware that irrigation from a water course may be affected only from certain specified points of the water course. If a supply is taken from any point other than one that has been specified, the Executive Engineer, may stop the supply of water to our village for such period as he thinks fit.)

(6) Our liability to pay canal revenue shall not be affected by the stoppage of the supply under clause 3 or 5.)

-----

Signature marks of permanent holders

**(Form) 31**  
**(See Rule 197)**

**Certificate of Enquiry on objections for Water Courses**

(I, Executive Engineer / Sub Divisional' Officer/Canal Deputy Collector for the..... Tank/channel, hereby certify that on a visit.....

the date whereof was duly notified to the villagers, I heard all the objections raised by the permanent holders of land in the village /mahalf chak concerned, who shall be affected by the proposed water course contract if it is accepted, and found that no cause has been shown against a declaration that the said contract shall be binding on all permanent holders of irrigable land in the said village / mahal / chak and recommend that it be accepted by the state Government.

.....

-----  
Signature of E.E / SOO / CDC

**(Form) 32**  
**(See Rule 197)**

**Acceptance of water course contract**

(In pursuance of section 65 and 66 of Madhya Pradesh Irrigation Act 1931, I hereby accept the aforesaid Water Course contract on behalf of the State Government and declare it to be binding on all permanent holders of irrigable land in the village/mahal/chak of..... )

-----  
Executive Engineer

**Form) 33**  
**(See Rule 246)**  
**Government of M. P. Irrigation Department**  
**Preliminary Offence Report**

1. Report No.... Date..... Month ..... Year 19.....

2. (Name of the offender, parentage caste, residence etc.).

-----

(Submitted along with the statements etc. to the Sub-Divisional Officer/

3. ( Kinds of offence, under sub section ----- of section 94 of M.P. Irrigation Act.)

4. (Place of offence)-----

5. (Date of offence) -----

6. (Details of goods forfeited and further proceeding taken)-----

-----

7. (Name and addresses of witnesses).

1..... 2.....

3..... 4.....

(Submitted to the Sub Engineer/Irrigation Inspector.....for information  
and necessary action.)

(Submitted along with the statements etc. to the Sub-Divisional Officer/Canal Deputy Collector ----- for further disposal

Section Subordinate

-----  
Sub Engineer/Irrigation Inspector

(Advance copy submitted to the Executive Engineer Irrigation Division ----- for information (In case of offences under Section 94  
A,B & C Only).

-----  
Section Subordinate

(N.B. \_ This report should be submitted within 24 hours of the commission of the offences to the higher officer).