

GOVERNMENT OF MADHYA PRADESH
IRRIGATION DEPARTMENT
NOTIFICATION

No. 1-1-G-73-83

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

CHAPTER 1—PRELIMINARY

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

2. *Definitions.*—In these rules, unless the context otherwise requires,—

- (a) "Act" means the Madhya Pradesh Irrigation Act, 1931 (3 of 1931);
- (b) "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 the 15th January following the year of sowing;
- (c) "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;
- (d) "Block" means the whole area of certain specified land to which the block system is applied;
- (e) "Banihar" means any person, appointed by the Sub-Divisional Officer or Canal Deputy Collector to superwise 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;

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- (g) "Executive Engineer" means Executive Engineer, incharge of Irrigation Division in any area ;
- (h) "Fruit block" means a block in which the irrigation of long term fruit trees is permitted;
- (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, Jowar, Bajra, Charu, Kodon, Sevan, 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 Tilli) 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 is 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 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.

3. *Section 9.*—Land classed at the current settlement as bahra, or jhillan, or chahi, or jor, abi, or adan and khasra numbers classed in whole as bandhwas, narbandhwa, 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. *Section 21.*—The Chief Engineer shall fix the limits of all subordinate charges into which a sub-division 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 any one 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.

8. *Section 23 & 24 Read with 93(c).*—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—

Confirm, vary or reverse the order appealed against; direct such further investigation to be made or such additional evidence to be taken, as it may think necessary; or itself take such additional evidence; 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.

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(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.

12. Section 23(7) and 25.—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 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 superior 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 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, 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 expenses, 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 payments to witnesses in proceedings before a revenue officer held under the Madhya Pradesh Land Revenue Code, 1959.

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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 authorised 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, after 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 thereunder all appearances before, applications to, and acts to be done before any canal officer under the Act, or the rules made thereunder, may be made or done by the parties themselves, or by their recognised agents, or in a case before the Commissioner by any legal practitioner acting on their behalf.

25. *Section 35.* 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.

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

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.

30. If the Collector disagrees, with the recommendation of the Executive Engineer, he shall record the fact in original report, and if 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.

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.

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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 prescribed 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).

36. Section 37.—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 may 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.

38. Section 37(2).—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.

39. If a cultivator takes water for preparing land for cultivation and does not sow the crop, he shall be charged at the rate for preparing land for cultivation only and if crop is sown and no subsequent watering is done, he shall be charged at crop rate; and if subsequent watering is also done, he shall be charged with both i.e. rate for preparing land for cultivation and crop rates.

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.

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✓ 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 a fresh 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 portion 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 double 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 or 99 the water rate shall be charged for such agreed area @ 10% more than the ordinary crop rate.

✓ 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 at double the rates chargeable for the crop.

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 shall be charged at crop rates, provided that the number of watering is two or more including water for preparing land for cultivation, otherwise rate for preparing land for cultivation, 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 distributerles the water rate shall be charged for the irrigated area at half the crop rate.

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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 osrabandi 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.

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. 250 may be imposed by the canal officer.

54. Section 37-B.—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 not be opened before 1st October in any year and marking of the area actually submerged shall be completed by the end of September every year.

59. The Amin, section Subordinate or Irrigation Inspector shall proceed to mark out the area actually submerged after 15th September and completed the formalities as provided under sub-section (4) of section 37-B. 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.

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.

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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.

64. Section 38.—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 the application is made, and such remission shall be in full.

67. Section 39.—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.

71. Section 40.—Water may be supplied to any company, firm, private person, or any local body, as per conditions and at rates as prescribed and approved by the Government :

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 Mct. of water in a year. For term exceeding one year and, where the supply is to be more than five Mct. in a year the previous sanction of the State Government shall be necessary.

72. Section 44.—(a) The charge for water which has been used in an unauthorised manner on cultivated land under agreement shall be made at double the crop agreement or demand rate so leviable for the class of crop grown on it.

(b) The charge for water which has been used in an unauthorised manner on cultivated land not under agreement shall be made at thrice 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 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 utilise 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.

75. A canal officer or canal subordinate on becoming aware of waste of water, shall immediately stop it. In a case of unauthorised 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 unauthorised use or waste of water, shall after examination of such witnesses as he may consider necessary, record his orders with the reasons therefor, 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.

79. Section 44 (A) (2).—The Executive Engineer, shall have a watch over the concerns, when 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 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 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.

81. Section 44-B.—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.

82. Sections 45, 52, 58 read with sections 92 & 93 (c).—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 authorised 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 unauthorised 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 thereunder.

84. The long term agreement in Form 8 in the rice zone and short term agreement in Form 9 in wheat and mixed crop zone, and supplementary long term agreement in Form 10 appended to these rules shall be concluded and shall remain operative for the period as notified by the Government in the schedule of rates, the terms and conditions laid down in such forms shall be construed as part of these rules.

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

86. The long term agreement shall be made villagewise, tankwise, or projectwise for the irrigation of rice in rice zone, for a period mentioned in the schedule of rates. The supplementary agreement shall be made in Form 10 appended to these rules.

87. The long term agreements for rice irrigation for 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 authorised 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 objections. 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 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 the Executive Engineer.

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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 authorised 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 the officer authorised 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 fails 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 field or not, provided that if department fails to supply water

to the area under agreement, such area may be treated as dry (Khush 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:—

S. No.	Commodity	Final date of issuing proclamation (Ailan)	Final date of concluding irrigation agreement
(1)	(2)	(3)	(4)
1.	Sugarcane	31st December	31st March
2.	Cotton and Makka.	1st March	15th April
3.	Paddy (Dhan) and other Kharif Fasal	31st 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, Overseers, Sarpanchas and prominent occupiers of the land of the irrigated area, and after acquainting them of the water storage position of various tanks, and reservoir 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 distributory of the canal, publish the area so allocated to each distributory 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 finalised.

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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 Sinchal Pustika (Form 11-A in 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 be 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 of the Sarpanch or Panch and Patel as witnesses in taken 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 term 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 part of field, length and breadth or area shall written in the agreement.

110. In the short term agreement the occupier shall mention carefully and clearly the crop which he intends to irrigate. How ever 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 is sown, charge shall be made at the rate fixed for the superior kind of crop or crops 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.

114. *Section 47.*—Remissions of canal revenue under an irrigation agreement or in submerged area shall, on application by the Panchayat on behalf of the occupier of the compulsorily assessed area 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% wet crop.

(b) Full remission in Khasra numbers in which the 33% wet crop or less.

Provided that when a khasra number exceeds five acres in area, the Executive Engineer may subdivide 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 headworks 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 out turn 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 outturn 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.

120. *Section 54.*—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.

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

122. For the purpose of ascertaining the prices to 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 state, 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 authorised officer alongwith the consent in writing. Provided that in case of default the amount of unpaid instalment may be recovered from either of the two at the discretion of the authorised 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 authorised 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 authorised 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 ownership after the period of limitation prescribed for the objection, shall not give any right to the transferee for making any fresh objection.

129. Section 58 L and M.—For the purpose of imposing irrigation cess the expression “irrigable command” means:—

(a) In case of Canal 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, villagewise, workwise, jamabandi in the Form prescribed 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 Amin 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 therefor, 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 realisation of the amount due on account of irrigation cess shall be done, subject to rules and in the manner applicable for realisation 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 unauthorised 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 payments, 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 realisation or otherwise, may be granted by the Superintending Engineer.

140. Section 59.—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 June.

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.

143. Section 62 read with section 93 (c).—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 an order in writing extend the term of office of an irrigation panchayat for a period or periods not exceeding three years in the aggregate.

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

(c) Notwithstanding anything 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
- (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 arises, and no irrigation panchayat exists or the term 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 past it in a prominent place in the village, under the signature of the Irrigation Inspector.

149. Any person having objection to urge against any entry therein, or omission therefrom, 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 the decision of Irrigation Inspector, an appeal may be filed within 8 days from the date of receipt of the

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order, to the Canal Deputy Collector who shall dispose of it 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 a Canal Subordinate to preside at the election. The electors, whose names have been entered in the finalised 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 up to 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 Grampanchayat, 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 Grampanchayat 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 panchas 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 at a 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

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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 unexpired 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 the 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 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 final.

161. The Sarpanch elected under rule 156, or in his absence any member of the panchayat authorised 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.

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

✓ 165. (1) The following offences may be compounded under sub-section (3) of section 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 authorised distribution of water therefrom; or
- (iii) in using a water course, neglects to take proper precautions for the prevention of waste of the water of such water or;
- (iv) having received water in his field for irrigation, neglects to take proper precautions for the prevention of waste of such water 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 wilfully 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) cases 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.

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(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 the 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 fails 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 realise 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 balanced 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 up to the amount actually in hand for any work of public utility in the village that has been approved by the Collector.

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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) correspondance and notices issued by the panchayat.

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

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 not be reduced on this account.

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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.

172. Section 63, 93 (c) and 92 (5).—All entries of water supplied for irrigation on demand, under irrigation agreement, unauthorised 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 Shudkar, tankwise and shall enter therein all fields by making survey and partial (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 parchas 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 absene of the cultivator, or cultivator's refusal to accept, or to give a receipt, 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 :—

- (i) Ledger in which all entries concerning each cultivator will be brought together and totalled (Form 22).
- (ii) Kistabandi Khatoni in which only totalled amount for which parchas have been delivered shall be entered (Form 23).
- (iii) Abstract Kistabandi Khatoni in which entries in Col. No. 1 to 5 are completed (Form 24).

175. On receipt of a parcha any cultivator may file an objection with 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 a 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.

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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 parchas, the disputed amount shall not be realised 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.

(ii) If after distribution of the parchas any additions are made to the demand, or any deduction is allowed on complaint, or by way of remission, or otherwise such addition or remissions 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. Alteration made after the despatch of Kistabandi Khatoni and Abstract Kistabandi Khatoni shall be communicated to the panchayat 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 by 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 realising 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 depositor 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 realised.

184. The Irrigation Inspector and the Amin, will assist the panchayat and have close watch while realisation 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-in Hindi). The breach here of 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 entered in the Kistabandi Khatoni all amount collected by

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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 Kistbandi 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 Forms 27 & 28. The statement will be submitted to the Executive Engineer who will authorise 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 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 warrant 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 authorised in this behalf by the Executive Engineer/Canal Deputy Collector and a statement from the Abstract Kistabandi Khatoni 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.

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190. All irrecoverable amount, on account of death or absconding of a defaulter, or for any other reason, may on 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 realisation 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 thereof 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 month from the due date— | 5 per cent of the amount not so paid. |
| (ii) Where payment is made after one month but within two months from the due date— | 10 per cent of the amount not so paid. |
| (iii) Where payment is made after two months but within three months from the due date— | 15 per cent of the amount not so paid. |
| (iv) Where payment is made after three months but within six months from the due date— | 20 per cent of the amount not so paid. |
| (v) Where payment is made after six months but within twelve months from the due date— | 25 per cent of the amount not so paid. |
| (vi) Where payment is made after twelve months from the due date— | 30 per cent of the amount not so paid. |

Provided that not such penalty shall be imposed for the non-payment of any sum which has been suspended by the order of the competent authority in respect of the period during which the payment remained suspended.

194. Section 75, 93 (c) and 92 (5).—Application for the investigation of water courses shall be made in Form 29 and contracts under section 65 in Form attached to these rules.

195. When an application in Form 29 is received :—

- The Executive Engineer shall cause such investigation to be made as he may consider suitable ;
- The investigation shall be made in consultation with the permanent holders concerned ; and
- 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.

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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.

198. The Amin, in consultation with the irrigation panchayat, shall prepare a list of the permanent holders 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 water courses 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 during which the breach has been persisted in.

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, earthworks, cross drainage works, cart, truck crossing etc. and also the workcharged 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 benefitted 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 them from till allotted to any individual.

205. The subsequent allottees of the Government land so benefitted shall be required to pay to the Irrigation Panchayat concerned, the share towards the cost of construction of field channels, with due regard to the area benefitted, 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 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 sub-section (2) of section 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-B, 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 therefrom. A map on lattha cloth showing the alignment of field channels, cross drainage works, cart track 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.

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(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 (osrabandi or warabandi) is in force, or (b) when the water is being wasted, or (c) when the water is being used by the unauthorised persons depriving the authorised 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 with or the water is rendered corrupt or foul, shall be fined up to 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 up to Rs. 50 and in case the amount is more than Rs. 50 in three equal instalments to be paid annually.

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.

220. The irrigation panchayat with the help of the Amin and consultation with the beneficiaries concerned shall settle the dispute by mutual agreement and prepare a seasonal osrabandi programme which the beneficiaries shall be bound to abide.

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221. On an application made by the irrigation panchayat or two-third of the beneficiaries concerned for preparing osrabandi 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 osrabandi is necessary.

222. The application for osrabandi programme shall ordinarily be rejected if the area under complaint is:—

- (a) Very small.
- (b) Irrigated from well.
- (c) On foresaid 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 draught or intense demand.
- (f) Shortly before a new settlement.
- (g) Proper maintenance of water course is not done.

223. The Executive Engineer at his own initiative may also take up osrabandi 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.

224. On approval of the report of the inquiry officer for osrabandi, 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.

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 osrabandi programme to be completed within three months. The various steps in the preparation of osrabandi 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 culturable 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.

227. The Irrigation Inspector shall call a meeting of the permanent holders of the outlets under osrabandi and ask them to form thoks and select thokdars from amongst them. The thoks should be as few as possible.

228. After the finalisation 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.

229. The total area of the outlets under command for osrabandi 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 osrabandi. The timings shall start from Sunday at 8.00 a.m.

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.

231. After finalisation of thoks and timings, a meeting of the concerned permanent holders of the command will again be arranged, and osrabandi so finalised 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.

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 approval osrabandi programme along with all details to Irrigation Panchayat, Thokdars and the cultivator concerned for giving effect to the osrabandi 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 per cent of the permanent holders of

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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 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 outlet before half an hour as to enable the permanent holders to have full share of water fixed for his turn and no turn is missed.

236. The Executive Engineer may revise osrabandi programme if there is :—

- (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.

237. A register of the osrabandi shall be maintained in the division, sub-division and Canal Deputy Collector's office in which all details from application to finalisation of osrabandi shall be mentioned.

238. Whoever violates osrabandi programme shall punishable with fine which may extend to Rs. 250 and where the breach is continuing one with further fine which extend to Rs. 10 for ever day after the first during which the breach has been persisted in.

239. If Irrigation Panchayat or the permanent holders of not less than two-thirds or not less than 95 per cent 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 required.

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.

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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 deems fit for the passage of water beyond that field.

243. The Irrigation Panchayat in a village, Mahal or chak, in which Banihar or Banihars 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. (i) 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.

245. Section 99.—No enquiry into a canal offence shall be made by an officer below the rank of an overseer 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 authorised to hold an enquiry into such cases.

247. The canal officer or subordinate shall, as speedily as possible, and if he is an overseer 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 appears 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 thereunder, 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 it or put his thumb mark thereon by way of acknowledgement and return it to the server. If he refuses to accept the notice or avoids the Service there of, the server shall report the fact to the canal officer.

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 proceedings 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.

सत्य प्रतिलिपि.

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FORM 1

(See Rule 28)

Crossings over channels

Inspection made on.....

Division

Name of work

Name of Channel

S. 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 Sub-Divisional Officer, Irrigation Department in the case of bridges the proposed width between parapets should be stated	Name and opinion of the Land acquisition or other officer of the Revenue department in the case of bridges the proposed width between parapets should be stated	Name remarks and recommendation of the Executive Engineer	Opinion of the Deputy Commissioner	Final decision
(8)	(9)	(10)	(11)	(12)

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FORM-2

(See Rule 54)

Form of agreement for construction of submerging Tank

We, the under signed, residents of village.....
Tahsil..... District..... being per-
manent holders of the land, hereby apply for the construction of the submerg-
ing tank as per plan attached herewith and agree to abide by the terms and
conditions prescribe for such construction.

.....
Signature of the Permanent Holders.

FORM-3

(See Rule 56)

Form of agreement for construction of submerging Tank

Whereas, the State Government has agreed to construct a submerging tank
for benefit of our land, as per details given below we the under signed 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 previllages
whatsoever admissible under the rules in force.
4. Should any dispute arise, as regards terms and conditions or any
thing 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.

We certify that we understand the terms and conditions of this agreement
and the details of holdings are correct.

Serial No.	Village Tahsil District	Name of the Permanent holders	Survey No.	Area	Signature or thumb impression of the permanent holders
(1)	(2)	(3)	(4) I	(5)	(6)

.....
Signature of the Executive Engineer.

.....
Signature of the Permanent holder

सत्य प्रतिलिपि

सूचना का अधिकार अधिनियम
के अंतर्गत प्रदाय की गई

लोक सूचना अधिकारी
कार्यालय सचिव लोक सू.आई.एम.

FORM - 4

(See Rule 65)

Application for supply of Water on demand

ORIGINAL

DUPLICATE

TRIPLICATE

1, Name of Village	1. Name of Village	1 Name of village
2 Work under Which situated	5 Work under Which situated ..	2 Work under Which situated ..
3 Name of distributary of minor from Which water is required.	3 Name of distributary or minor from which water is required	3 Name of distributary or minor from water is required
4 Change of outlet from Which water is required.	4 Change of outlet from which water is required.	4 Change of outlet from Which water is required.
5 Name of crop to be irrigated	5 Name of crop to be irrigated	5 Name of crop to be irrigated
6 Approximate area demanded- ing irrigation.	6 Approximate area demanded- ing irrigation.	6 Approximate area demanded- ing irrigation.
7 In the case of rice, approximate area of rice in the chak or block concerned.	7 In the case of rice, approximate area of rice in the chak of block concerned.	7 In the case of rice, approximate area of rice in the chak of block concerned.
8 Date on Which irrigation is required.	8 Date on Which irrigation is required.	8 Date on Which irrigation is required.

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9. Date of submission
of application to
the amin.

Brief abstract of Amin's report

**Brief abstract of section subordinate's
recommendations**

Remarks by Sub-Divisional Officer

Order of Executive Engineer

Signature of sarpanch in token of
having seen the order of Executive
Engineer.

Date on which water is first issued

Signature of Amin

Names of occupiers
requiring irrigation

9. Names occupiers
requiring irrigation.

Date.....Signature of sarpanch

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 charges to be levied is final and that no appeal shall lie against it. 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 thereon.

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.

सत्य प्रतिलिपि

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Report by section subordinate

In you consider it desirable that the application be complied with or not?

If so, Why? If not, why not?

Date..... Signature of Section subordinate

Remarks by Sub-Divisional Officer

Date Order of Executive Engineer

Marks or signature of occupiers requiring irrigation.

Taken in my presence.

.....
Signature

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भारत

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. ft.

Signatures of applicants.

We/I agree that water may be supplied as desired by the applicants, but undertake no responsibility for payment therefor.

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 onthe 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 to 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 not under agreement.

सत्य प्रतिलिपि

सूचना का अधिकार अधिनियम
के अंतर्गत प्रदाय कीलोक सूचना अधिकारी
कार्यालय सचिव लोक पी.आई.एम.

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2. 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 arrears of land revenue.

Signatures of the applicants.

I sanction the supply of water applied for and accept this contract.

Executive Engineer,

Dated 197 Division.

FORM 7

(See Rule 72)

An Agreement made on the day of one thousand nine hundred and seventy Between the Governor of Madhya Pradesh hereinafter referred to as 'the Government' (which expression shall unless excluded by or it be repugnant to the context or meaning thereof be 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

. hereinafter referred to as "the Company" (which expression shall, unless excluded by or it be repugnant to the context or meaning thereof be deemed to include its successors of the other part;

Whereas the Company has applied to the Government for permission to draw litres (ie Gallons) or water per day from the Canal (hereinafter referred to as "the said canal") for the use by the Company. 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 a grant the aforesaid permission to the Company on the terms and conditions hereafter appearing;

And Whereas prior to the execution these presents the Company has deposited with the Government the sum of Rs. being the water rates and local fund class 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;

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Now this agreement witnesseth as follows :—

(1) In consideration of the Company duly making payment to the Government as hereinafter specified and duly observing and performing the covenants and conditions here contained, Government doth 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 subject to the provisions of the Madhya Pradesh Irrigation Act, 1931 (3-1931), amendment 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 the 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 water rates and local cess or other taxes as may be fixed by the 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 through 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 by the Company to any persons, firm or Company, Corporation 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 proceeds of such sale realised 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 or in connection with the present source of the said canal.

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- (6) The Company shall not construct the pick-up weir in the said canal unless the proposals, plant drawings, specifications, estimates, and all other details thereof are previously submitted to and approved in writing by an officer authorised 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 or 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 costs after obtaining prior approval thereto in writing from the Government or the Executive Engineer. If the 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 the 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 discharge and effluent water into the said canal but shall make its own arrangements at its own costs for its proper disposal.
- (9) Within 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 preceding 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.

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- (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 as 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 the 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 without 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 artificial 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 effected 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 authorised 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 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 hereunto affixed the day and year
first herein above written.

SIGNED, SEALED, 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
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)

सत्य प्रतिलिपि

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के अंतर्गत प्रकाश की गई।

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FORM 8

(See Rule 84)

Long term Agreement Form

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 :—

- (1) to deliver the water equitably at a commanding point or points 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.
- (3) 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 out-turn 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 Khasra number according to the estimated out-turn 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 these 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 excluded 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, Jilan, Bandhiwas, harblianda, bagar, bandhia, or tales or declared

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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 bepaise 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 assignee outlet(s) the 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 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 fail to do so does not entitle us 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 our 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 of our crops ;
- (3) if any wet-land cultivated with.....which is not covered by the term 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 his agreement.

PART IV

Should any dispute arises 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.

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FORM 9

(See Rule 84)

Short term agreement Form (A)

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 out let 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 interest of the cultivators;
- (c) to grant remission in accordance with the rules under section 47 of Madhya Pradesh Irrigation Act, 1931.

PART II

I, the undersigned, being the permanent holder of the land hereby agrees as follows:—

- (1) To pay water rates at the rates specified in the Schedule determined by the State Government on the area entered in the agreement whether such land is irrigated by me or not.

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- (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

I understand that—

- (1) The State Government does not undertake to supply my commands 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 the double rate or such rate as may be decided, depending upon the circumstances in which the irrigation is done.

PART IV

Should any dispute arise as regards the terms or conditions of this agreement or any thing 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

I certify that I understand the terms of this agreement.

Witness.

Signature or Marks of permanent holder.

Certificate

I hereby certify that the rules and relevant details have been explained to the person who has entered into the agreement.

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FORM-10

(See Rule 84)

Supplementary Long Term Agreement

I, son of Caste
 a permanent holder of land Irrigable from tank/canal
 in the village of in the tahsil of the
 District, hereby declare that I am bound by the
 agreement entered into between other permanent holder 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 197 .

Signature or Mark of the permanent holder.

FORM-11

(See Rule 89)

I, Canal Deputy Collector/Irrigation Inspector
 for the tank/canal hereby certify that on a 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 and 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 the day of 197 .

Signature of canal Deputy Collector as Irrigation Inspector.

(See Form 11-A in Hindi for Sihhai Pustika)

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 Samvat to the extent of
 acres will be supplied from the canals/tanks as per details
 and subject to terms and conditions mentioned below:—

The concerned should therefore submit their agreement to the respective
 Irrigation Inspector or the authorised subordinate on or before

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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 persistently 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 osrawandi/programme.

Name of work	Name of Canal or Distributary	Area proposed in acres	Remarks
(1)	(2)	(3)	(4)

Executive Engineer,
Irrigation Division.

FORM-13

(See Rule 114)

Application for Remission of Irrigation Revenue

NOTE. Applications for the remission of water rates should be submitted in this form to the Irrigation Inspector and for the remission of due on account of tank bed cultivation to the 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.....Tahsil
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 on which remission is requested.

Signature of applicant	Khasra number	Area	Crop	Rate	Amount
(1)	(2)	(3)	(4)	(5)	(6)
		Acres			Rs. P.

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FORM-14

(See Rule 151)

*Initial or seal of
Divisional Head***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 169)

Proceeding Book

Date	Name of Panchas Present	Business transacted	Signature or thumb impression of Chairman or president
(1)	(2)	(3)	(4)

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FORM 16

(See rule No. 169)

Panchayat Fund Account Book

Receipts			Payments				Remarks	Amount	To whom paid and on what account	Amount	Remarks
Date	No. of receipt	From whom received and on what account	Date of Payment	No. of voucher	To whom paid and on what account	Amount					
(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 illiterate member on sarpanch's behalf if sarpanch is illiterate.

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FORM 17

(See Rule No. 169)

Receipt Book

Receipt No.

Date.....19

Book No.....

Name of work

Place

Received from Son of.....

Caste

Rupees (in words and figures)

On account of

Date.....

Signature of Sarpanch.

FORM 17

(See Rule No. 169)

Receipt Book

Receipt No.....

Date.....19

Book No.....

Name of work

Place

Received from Son of.....

Caste

Rupees (in words and figures)

On account of

Date.....

Signature of Sarpanch.

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FORM 18

(See Rule 17)

Register showing the names of Sarpanchas and Panchas appointed
for the Irrigated villages of.....

Name of work.....

Name and number of Distributary	Serial Number	Names of vill- ages with Pat- wari circle	Names of Sarpanchas	Names of Panchas	Remarks
(1)	(2)	(3)	(4)	(5)	(6)

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FORM No. 19

(See Rule No. 172)

Shudhkar Khasra Irrigation village.....

Name of tank canal and cut let etc.	Serial No.	Khata No.	Survey No.	Area set- tlement	Name of cultivator and others name and caste, residence etc,
(1)	(2)	(3)	(4)	(5)	(6)

Tehsil.....District.....Samvat.....year.....

Area under command			Details of agreement		
Dry	Wet	Total	No. and date	Area	Crop
(7)	(8)	(9)	(10)	(11)	(12)

Fasal Kharif

Details of Irrigation

Area under flowing Irrigation			Area under private lift Irrigation		
Single rate area	10 % extra rate area	Unauthorised area	Single rate area	10 % extra rate area	Unauthorised rate area
(13)	(14)	(15)	(16)	(17)	(18)

ABSTRACT

Name of crop	Rate	Area			Amount assessed
		Single rate	10% extra rate	Unauthorised	

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Area under Govt. lift Irrigation		Total	Submer- ged area	Crop	Water rate
Single rate area (19)	10 % extra rate area (20)				
	Unauthori- sed rate area (21)	(22)	(23)	(24)	(25)

Fasal Rabi						
Amount assessed	Details of Irrigation					
	Details of Agreement			Area under flow Irrigation.		
	No. & date (26)	Area (27)	Crop (28)	Single rate area (29)	10 % extra rate area (30)	Unauthori- sed area (31)

Area under private lift Irrigation			Area under Govt. lift Irrigation		
Single rate area (32)	10 % extra rate area (33)	unautho- rised area (34)	Single rate area (35)	10 % extra rate area (36)	Unauthori- sed rate area (37)

ABSTRACT

Name of Crop	Rate	Area			Amount assessed
		Single rate	10 % extra rate	Unauthori- sed area	

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Total	Submerged	Crop	Water rate	Amount assessed	Details of agreement		
					No. and date	Area	Crop
(39)	(40)	(41)	(42)	(43)	(44)	(45)	(46)

Fasal Extra

Details of Irrigation

Area under flow Irrigation			Area under private lift Irrigation		
Single rate area	10% extra rate area	Unauthorised area	Single rate area	10% extra rate area	unauthorised area
(47)	(48)	(49)	(50)	(51)	(52)

Area under Govt. lift			Total	Submerged
Single rate area	10% extra rate area	Unauthorised area		
(53)	(54)	(55)	(56)	(57)

Crop	Water rate	Amount assessed	Remarks
(58)	(59)	(60)	(61)

ABSTRACT

Name of Rate	Area			
Single rate	10% extra rate	Unauthorised area	Amount assessed	

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FORM 20

(See Rule No. 173)

Irrigation Parcha (Bill)
Agreement/Demand/Un-authorised

Name of Village ----- Tehsil ----- District ----- Crop ----- Year ----- Savvat -----
Name of cultivator with full particulars ----- Date of issue -----

Khata Serial No.	Survey No.	Details of Irrigation			Rate	Amount due	Amount of remis- sion	Net amount due	Previous years arrear's due	Total of Col No. (9) + (10)	Remarks
		Type of Irrigation	Area	Commo- dity							
(1)	(2)	(3)	(4)	(5)	(5)	(7)	(8)	(9)	(10)	(11)	(12)

Signature of Amin.

Signature of sections Subordinate.

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Instructions

- (1) Objections in respect of any wrong entry for water supplied in agreement or on demand or authorised 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 Irrigation Inspector.
- (2) Appeal against the order of Irrigation Inspector Section subordinate must be made in writing the Canal Deputy Collector, Sub-Divisional Officer and 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. The occupier should obtain receipt in Sichai 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 Irrigation Parcha (Bills)

Name of Village.....Tehsil.....District.....Crop.....Year.....				
Serial No.	Name of occupier with full particulars	Date of delivery	Signature or thumb impression with date of the person receiving the Parcha	Remarks
(1)	(2)	(3)	(4)	(5)

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FORM 22

(See Rule No. 174)

Irrigation Jamabandi (Ledger) Village.....Tehsil.....District
.....year.....Samvat.....

Concerning tank/Canal

Serial No.	Name of cultivator father name and caste, Residence, etc.	Irrigation Serial No.	Khasra Survey No.	Area under Command	Amount of Irrigation less assessed on the area of Col. No. 5
(1)	(2)	(3)	(4)	(5)	(6)

Details of Amount assessed

Fasal Kharif				Fasal Rabi			
Type of Irriga- tion	Area	Rate	Amount of dues	Type of Irriga- tion	Area	Rate	Amount of due
(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)

Fasal Extra			Total amount assessed Col. No. 6			
Type of Irriga- tion	Area	Rate	Amount Of due	Irrigation less Col. 6	Water rate 10 14 18	Total 18 20
(15)	(16)	(17)	(18)	(19)	(20)	(21)

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Details of current year Realisation			Details of arrear current year		
Water rate	Irrigation less	Total	Water rate	Irrigation less	Total
(22)	(23)	(24)	(25)	(26)	(27)

Balance at the end of the year				Total arrear		
Year	Water rate	Irrigation less	Total	Water rate	Irrigation less	Total
(28)	(29)	(30)	(31)	(32)	(33)	(34)

Details of Realisation of Arrears				
Water rate	Irrigation less	Total	Challan No. date	Remarks
(35)	(36)	(37)	(38)	(39)

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FORM 23

(See Rule No. 174)

Kistbandi Khatnani

Name of work.....Tahsil.....District.....Year.....

* Fasal.....Ami Halka, Patwari Halka.....

Khata No.	Name of Occupier	Water rate	Amount due Irrigation cess	Total
(1)	(2)	(3)	(4)	(5)

Amount remitted			Balance due		
Water rate	Irrigation cess	Total	Water rate	Irrigation cess	Total
(6)	(7)	(8)	(9)	(10)	(11)

Amount collected			Name of person making payment	Date of payment
Water rate	Irrigation cess	Total	(15)	(16)
(12)	(13)	(14)		

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गन्धप्रदेश राजपत्र, दिनांक 31 मई 1975

Payment to treasury				Date of payments	Chalan No. & date
Name of person making payment	Amount paid				
	Water rate	Irrigation cess	Total		
(17)	(18)	(19)	(20)	(21)	(22)

Amount outstanding on the 15th March/ June			Amount recovered of arrear with date & chalan No.	Remarks
Water rate	Irrigation cess	Total		
(23)	(24)	(25)	(26)	(27)

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FORM 24

(See Rule 174)

Abstract Kistbandi Khataoni

Name of Tahsil.....Rabi.....Year.....Samvat

Kharif YearSamvat

Name of work	Amin Halka	Patwari Halka	Name of village	Amount due		
				Water rate	Irrigation cess	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Amount of remission			Balance to be recovered		
Water rate	Irrigation cess	Total	Water rate	Irrigation cess	Total
(8)	(9)	(10)	(11)	(12)	(13)

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Details of amount realised

Water rate	Irrigation cess	Total	Chalan No. & date of amount paid into treasury	Name of person making payment
(14)	(15)	(16)	(17)	(18)

Details of arrears due

Water rate	Irrigation cess	Total	Remarks
(19)	(20)	(21)	(22)

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FORM 25

(See Rule 175).

Register of objections regarding Tahsil.....Distt.....year.....Division.....

S. No.	Name of village tank or canal	Name of objectioner	Details of objection	Name of issue parcha	Date of submitting objection	Date of decision	
						Accepted	Rejected
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Minus area and amounts in case of acceptance		Result of appeal	of the au		Total minus area and amount		Remarks
Area	Amount		Total deduction		Total area Col. 9 and 12	Total amount Col. No. 10 & 13	
(9)	(10)	Date order & name of Court (11)	Area (12)	Amount (13)	(14)	(15)	(16)

सत्य प्रतिलिपि

सूचना का अधिकार अधिनियम के अंतर्गत प्रदाय की गई।

लोक सूचना अधिकारी
कार्यालय सचिव पी.आई.एम.
भोपाल

FORM 2

(See Rule 18.)

Water Rate Defaulter's List

Number of Patwari H.A.

RABI/KHARIF 19

Tehsil

(Columns (1) (5) only will be completed by the amin).

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	Areas due from defaulter	Process fees	Total of Columns (5) & (6)	Amount Chalan recovered and	No. of excess Collection to be entered by the canal Deputy Collector in red ink	Remarks details
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Rs. P.	Rs. P.	Rs. P.		Rs. P.	Rs. P.	Rs. P.	Rs. P.		

Signature of the Canal Deputy Collector

Certified that the sums mentioned in column (5) are due from the persons mentioned in column (4). It is requested that these sums be recovered as arrears of land revenue under Section 61 of the Central Provinces Irrigation Act, 1931.

Signature of the Executive Engineer.

सत्य प्रतिलिपि

सूचना का अधिकार अधिनियम
के अंतर्गत प्रदाय की गई।

लोक सूचना अधिकारी
कार्यालय सचिव पी.आई.एम.
भोपा

FORM 27

(See rule 188)

Statement of Commission for Collection of payable to sarpanchas and Members of panchayats and patels

Name of work----- Kist-----

Name of Village	Total amount paid at the try. by the panchayat in each village (col. 10 of form-E)	Total Commission due in each village	Name of sarpanchas and members of the panchayats	Amount payable to each sarpanch and members of the panchayats	Acknowledgement of the bayee of for the amount paid
(1)	(2)	(3)	(4)	(5)	(6)

FORM 28

(See rule 188)

The Commission paid to the panchas

Number of distributary or name of tank	Name of Village	Name of sarpanchas	Amount of commission for supervision irrigation			sig. of S. D. O. making payment with date of payment	Ack. of the payee for the amount
			Area assessed	Max. amount payable to each banch	Amount sanctioned by the S.P.		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

सत्य प्रतिलिपि

सूचना का अधिकार अधिनियम के अंतर्गत प्रदाय की गई।

लोक सूचना अधिकारी
कार्यालय सचिव लोक पी.आई.एम.
भोपाल

FORM 29

(See rule 194 & 195)

Application for the Investigation of water Courses.

We, the permanent holders of land in the village/mahal/chak of.....is covered by the irrigation agreement of the village/mahal/chak here by apply for the investigation of a system of water courses as detailed below, their construction and maintenance being subject to the terms stated in the Form 28 of contract.

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 a 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 the instructions 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 to 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 :-

...ading under section 73(b) stop the supply of water to the system of any water course which has not been repaired in any manner, and

...section 73(c), cause the repairs to be made and not exceeding twice the cost thereof from the holders or occupiers concerned in proportion to the area of land which are ordinarily irrigated may be included in the irrigation agreement through such water courses :

लोक सूचना अधिकारी
कार्यालय संचालक पी.आई.एम.



K-75

सत्य प्रतिलिपि

