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

No. 1-1-G- 73-33, Bhopal, Dated the 3rd April, 1975, In exercise of the powers conferred by sections 92 and 93 of the Madhya Pradesh Irrigation Act, 1931 (3 of 1931), the State Government hereby makes the following rules, the same having been previously published as required by sub-section (3) of section 92 and a copy thereof having been laid on the Table of the Madhya Pradesh Legislative Assembly on the 24th April, 1974 as required by sub-section (4) of section 92 of the said Act, namely : **RULES**

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

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

a) **Adsali sugar cane** means that variety of sugar cane, which is ordinarily sown during the period from 1st September to 30th November and becomes ready for harvesting after not less than 14 months of its sowing and needs first watering before 15th Jan uary following the year of sowing;

b) **Abi rate** means the amount of canal revenue payable for the use of dampness and accumulated silt in the tank bed by the cultivator for a single crop on one acre of land;

c) **Block** means whole area of certain specified land to which the block system is applied;

d) **Banihar** means any person, appointed by the Sub Divisional Officer or Canal Deputy Collector to super wise and control the field to field and day to day distribution of water beyond the outlet in the field;

(f) **Canal Deputy Collector** means a Canal Deputy Collector incharge of Irrigation Division in any area;

(g) **Executive Engineer** means Executive incharge of Irrigation Division in any area;

(h) **Fruit block** means a block in which the irrigation of long term fruit trees is permitted; Engineer,

(i) **Form** means a form appended to these rules;

(j) **Garden Block** means a block in which the irrigation of crops other than sugarcane, pan or long term fruit trees is permitted throughout the year;

(k) **Kharif Crop** means a crop grown within the period from the break of the monsoon season to the beginning of the cold weather season. It generally includes the following: Rice, Rajika, Senji, Opium, Ganja, Tobacco, Cotton, Jawar, Bajra, Charu, Kodon, Sowan, Moth. Moong, Urad, Groundnuts, Makka, san and Tilli, Singhara etc.

(l) **Perennial Crop** means a crop which is irrigated continuously for a period of more than 8 months;

(m) **Plot** means one of the two or more porbtions into which a piece of land is divided for the purpose of irrigation;

(n) **Rabi** Crop means a crop grown within the period between 15th September and the end of February next following. It includes the following : Wheat, Tilhan, (Excluding Tili) Arhar, Gram, Peas, Masur, Chori, Potatoes and Batra etc.

(o) **Section** means a section of the Act;

(p) **Section subordinate** means a person incharge of a section of Irrigation department;

(q) **Sub-Divisional Officer** means the sub-divisional officer incharge of irrigation in any area subordinate to the Executive Engineer;

(r) **Submerging tank** means, any tank constructed, maintained and controlled by the State Government for the purpose of storing water to

moisten the land in tank bed for Rabi cultivation and emptied by the end of October every year; (s) **Sugarcane block** means a block in which the Irrigation of sugarcane is permitted;

(t) **Superintending Engineer** means the Superintending Engineer incharge of the Irrigation Circle in any area;

(u) **Thok** means a group of adjoining fields, within the command of a particular chak to be determined by the beneficiaries themselves;

(v) **Thokdar** means any respectable person, selected by the permanent holders of thok. from amongst themselves. for the management of day to day distribution of water within the thok, to which he is selected;

(w) ***Year** means a year commencing from 1st of July in the calendar year and ending on the 30th of June in the next calendar year;

1(x) **Osrabandi** means a programme of release of water In different distribution and minors of canal system showing the discharge, duration of supply and area to be irrigated.

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

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

* It is also known as Irrigation year.

Section 9.

3. Land classed at the current settlement as bahra, or jhi/lan, or chahi, or jor, abi or adan and khasra numbers classed in whole as bandhwas, narbandhwas, tagarbandhia, or talas shall be deemed to be wet for the purpose of section 9 of the Act.

4. Khasra numbers which are classed in part as bahra, jhillan or chahi, or jor or abi or adan or bandhwas, narbandhwas tagarbandhia or talas at the current settlement may be declared to be wet.

5. The Chief Engineer shall fix the limits of all subordinate charges Into which a subdivision is divided.

6. The canal subordinates to be appointed to subordinate charges shall be: (i) Irrigation Inspectors,
(ii) Section Subordinates, and
(iii) Amins.

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

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

Section 23 & 24 read with 93(c).

8. Every petition for appeal or revision shall be accompanied by certified Copy of the order to which objection is made unless the production of such copy is dispensed with.

9. (1) The appellate authority may either admit the appeal or after examining the record, may summarily reject it:

Provided that the appellate authority shall not be bound to examine the record where the appeal is time barred or does not lie.

(2) if the appeal is admitted, a date shall be fixed for hearing and notice thereof shall be served on the respondent.

(3) After hearing the parties; if they appear, the appellate authority may

(a) confirm, vary or reverse the order appealed against;

(b) direct such further investigation to be made or such additional evidence to be taken, as it may think necessary; (c) or itself take

such additional evidence;

(c) or remand the case for disposal with such directions as it thinks fit.

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

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

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

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

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

Section 23 (7), 25 and 93.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 35

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

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

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

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

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

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

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

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

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

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

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

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

Section 37

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

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

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

Section 37 (2)

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

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

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

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

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

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

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

44. In cases of fields proposed to be irrigated partly by canal water and partly by other source, short term Irrigation agreement for portion of the field to be irrigated by canal water shall be concluded and that portion shall be clearly demarcated by a ridge not less than half a foot high. If the agreemented 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 [1][1.5 times the crop rate.

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

46. The Executive Engineer. may permit supply of water for the purpose of forming, thrashing floor, free to any person whom a supply of water for irrigation has been sanctioned under these rules and to any other person at the rate for preparing land for cultivation. **47**. When short term agreement for supply of water is presented after the prescribed date but not later than one month of the date prescribed under rule 98 and 99 the water rate shall be charged for such agreemented area @ 10% more than the ordinary crop rate.

1. Rule 44. The words "double the the crop rate" changed to-at 1.5 time the crop rate vide Notification No. F-27-3-77-MM-31 dated 28-12-78 and is ordered to be substituted w. e. f. lat Dec:. 1975.

48. When short term agreement has been given to irrigate specified area, and the applicant Irrigates an area In excess of such specified area the same be charged l(at 1.5 times the crop rate.

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

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

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

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

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

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

Section 37-B

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

55. On receipt of the application the Executive Engineer shall undertake survery 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 survery 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 opened before 1st October In any year and marking area actually submerged shall be completed by the September every year.

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

60. If in any year of scarcity It Is considered that in view of making provision for drinking water certain submerging tanks should not be emptied, the Collector and Executive Engineer shall submit joint report to the Commissioner and the Collector shall prohibit the opening of such tank in that year with the concurrence of the Commissioner. In al/ such cases remission may be granted by the Executive Engineer.

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

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

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

Section 38

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

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

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

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

Section 39

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

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

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

(i) he anticipates that the supply *of* water for the Irrigation *of* rice under agreement will be adversely affected thereby, *or*

(ii) In his opinion the applicants have not made suitable arrangements to deliver the water from the point at which it is supplied into the tank, *or*

(iii) he has good reason to anticipate that the water will be used for the Irrigation *of* a crop. which is not under agreement.

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

Section 40

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

Table

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

1. Rule 71 is substituted vide Notification *No.* 29-Sl-78-Ml..33 dated 30'6-78

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

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

Section 44

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

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

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

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

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

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

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

I. Rule 72 - "at double" and "thrice" in sub-rule (a) & (b) changed to 1.75 times vide Notification No. F 27-3-77-MM-31 dt. 28-12-78 Change is effective from 1st Dec. 1975.

II. Revised sub-rule (b) of rule 72, substituted vide Irrigation Deptt. Notification No. F/21/I/B/MM/31/11 dated 5-11-84.

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

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

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

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

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

Sect ion 44 (A) (2)

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

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

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

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

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

Section 44-B

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

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

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

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

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

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

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

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

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

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

(ij) He shall make a summary record of the objections made and his decision an each objection. *If* he decides that no good cause has been shown against the proposed declaratian, he Sh~1I make an endorsement in Form 11 attached to these

l. Rules 86 substituted vide Irrigation Deptt. Notification !\o. *F!29/78I1MM/78/S1/1V* dated 31-3-83.

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

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

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

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

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

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

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

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

(a) If any arrear In respect of water rate is outstanding against the permanent holder" or

(b) if it may not be possible to supply water to *field* or fields due to technical reasons, or

(c) if the permanent holder persistently falls to maintain his water course In proper condition.

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

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

S. No.	**Commodity**	**Final date of issuing (Ailan) proclamation**	**Final date of concluding ingirrign. agreement**
1	Sugar cane	31st December	31st March.
2	Cotton and Makka	1 st March	15th April.
3	Paddy (Dhan) and other Kharif Fasal.	31 st May.	15th August.
4	All Rabi including Vegetables.	30th September.	15th December.
5	Zaid Rabl (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 ot 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 agreemented area.

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

100. At least one month in advance of each crop season, the Executive Engineer shall invite a meeting of all the Irrigation Inspectors, Sub-Engineers, Sarpanchas & prominent occupiers of the land of the irrigated area, and after aquainting them of the water storage position of various tanks, and reservoirs providing the facilities of canal Irrigation, determine with their consultation the area which can be brought under canal irrigation. On determination of the total area the Executive Engineer shaft, allocate area to be irrigated by each distributary of the canal,
publish the area so allocated to each distributary for general information on or before the dates prescribed in column (3) of the statement provided in rule 98 regarding short term agreement. The publication shall be made in Form 12.

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

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

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

104. A receipt In Sinchai Pustika (Form 11-A-Hindi) shall be granted by the official receiving the agreement. Complaints in this regard may be made to higher officers immediately. **105**. When it is proposed to make short term agreement with the occupiers, the Executive Engineer shall, depute Irrigation Inspector for that purpose and shall ordinarily cause a proclamation in Form 12 to be made in the village, or group of villages, setting forth the object and date of visit of the Irrigation Inspector, and the time and place where he will meet the occupiers. Such place shall be in the village itself or in some neighbouring village as shall be convenient to the Sarpanch or Panch and Patel, who shall necessarily be invited to attend the meeting in advisory capacity. Provided that nothing in these rules shall prevent the Irrigation Inspector from proceeding to take short term agreements should he at any time or place meet a sufficient number of occupiers and also the Sarpanch or Panch and the Patel of any village, without having issued such proclamation. If any centre is far away and it is not possible for the Irrigation Inspector to reach there on the fixed date, he can depute his subordinates concerned to take short term agreement at that centre.

106. The Irrigation Inspector shall explain the object of his visit to the occupiers and receive the short term agreement so produced or ask the Amin concerned to fill up the short term
agreement to the entire satisfaction of the occupiers, Sarpanch or Panch and the Patel present at the meeting. The Irrigation Inspector or any subordinate deputed shall sign the agreement as one party and obtain signatures of the occupier as the other party of the agreement and may obtain signatures (;)f the Sarpanch or Panch and Patel as witnesses in token of proper execution and correct entries of the agreement. .

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

108. Any occupier, who owing to reasons beyond his control, is unable to attend the, meeting so arranged for taking short term agreement, can approach the Irrigation Inspector with written application stating the cause of his inability in attending the meeting and expressing his desire to enter into

agreement. The Irrigation Inspector shall on such application instruct the Amin to receive his agreement form if there is margin in the area allocated for irrigation and the date prescribed under rule 98 or 99, as the case may be, has not expired.

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

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

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

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

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

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

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

s**Section 47**

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

(a) Half remission in Khasra numbers In which thecrop is less then 50% and more than 33% of wet crop.

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

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

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

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

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

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

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

Section 54

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

Sections 58 A-K.

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

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

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

124. No betterment charges shall be leviable on such lands as are under possession of the Government, but no sooner the right of ownership is transferred permanentlY to

other than Government bodies, the share of betterment contribution shall be payable by the party concerned. The revenue authorities shall intimate the authorized officer full details of the allottees to enable him to finalise the betterment charges and effect recovery thereof. **125**. When any outstanding amount of betterment charges are found to be irrecoverable owing to death or absconding of defaulters or any other reason, they shall be reported by the Collector to the Commissioner, who shall deal with each case individually according to the orders of the Government.

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

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

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

Section 58 L and M.

129: For the purpose of imposing Irrigation cess the expression Irrigation COlDD1and means:

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

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

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

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

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

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

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

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

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

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

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

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

Section 59

140. Payment for the canal revenue payable on account of water supplied for the irrigation of Kharif crop, shall be made on or before 15th March and that payable on account of water supplied for the irrigation of Rabi and other crops shall be made on or before 1[15th July,

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

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

Section 62 read with section 93 (c)

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

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

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

(b) Not withstanding that the term of office of an irrigation panchayat has expired, it shall continue to hold office until a new panchayat is constituted under these rules.

(c) Not withstanding any thing contained In this rule the Collector may, at any time by an order in writing dissolve an irrigation panchayat.

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

(a) a person who has been adjudged by any competentcourt 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

-I. Rule 140. The date 15th June changed to 15th July vide Irrigation Deptt. Notification No. *28/7/GI75J33* dated 3-5-1975.

(d) a person who has been adjudged insolvent by a civil court ; and

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

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

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

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

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

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

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

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

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

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

152. After the election is over the presiding officer shall prepare a proceeding on the spot, mentioning therein the serial numbers of electors who have voted and serial numbers of those who are absent and any special Incident which took place at the election. He shall then seal all papers in presence of Panch or Sarpanch of Gram panchayat, and the sealed covers then be handed over to the Canal Deputy Collector Immediately after the election. **153**. The Canal Deputy Collector, with the help of the Presiding Officer concerned in the presence of Panch or Sarpanch of Gram panchayat shall prepare a list of the candidates voted for, indicating the number of votes secured in serial order. He shall then submit the

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

154. In the event of an equality of votes; the order of preference shall be decided by lot. **155**. The Collector shall intimate the decision to the Executive Engineer, who shall arrange to paste a list of panch as at a conspicuous place In the village.

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

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

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

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

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

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

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

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

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

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

(i) damages, alters, enlarges or obstructs a canal; or

(ii) in using a water course, interferes with the authorized distribution of water there from; or

(iii) in using a water course, neglects to take proper precautions for the prevention of waste of such water or;

(iv) having received water In his field for Irrigation, neglects to take proper precautions for the prevention of waste of the water

of such water course or; (v) destroys, injures defaces or moves any land-mark, level mark, water-gauge or other apparatus fixed *by* the authority of a canal officer, or;

(vi) causes animals or vehicles to pass on or across any of the works, banks or channels of any canal after such passage has been prohibited by a canal officer;

(vii) causes or knowingly or willfully permits animals to graze or be tethered upon the bank or border of any canal after such grazing or tethering has been prohibited by a canal officer or;

(viii) removes or Injures any tree, bush, grass or other vegetation growing on any canal; or

(ix) eases himself on the banks or in the channel ofa canal, or

(x) damages or alters a water course or Interferes with the flow of water therein or corrupts or fouls such water; or

(xi) refuses to allow water received by him In his field for irrigation to pass beyond the field when required to do so by the panchayat

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

(2) An irrigation panchayat may give notice to person reasonably suspected of having committed any of the above offences. Such notice shall require the person to attend at the time and place specified In the notice.

(3) When the person attends and accepts the panchayat's proposal for composition, an order shall be recorded fixing the amount payable by him. Such amount shall be paid Immediately or within such time as the panchayat may fix.

(4) All offences dealt with under sub-rules (2) and (3) shall be recorded in a register which shall contain the following particulars:- .

(a) the serial number;

(b) the date of the commission of the offence;

(c) the date of the report or complaint or discovery of the offence;

(d) the name, parentage, residence and social status of the offender;

(e) the alleged offence and the provision In rule 166(1) under which it comes; (f) if the offence charged be of causing damage, the sum at which the damage Is assessed, if it be of waste, theft or corruption of water, the value of the water affected;

(g) an abstract of the inquiry made, of the offender's statement and of the decision arrived at;

(h) the amount paid as composition and the date of the payment and

(i) the signature of the sarpanch presiding at the meeting at which the case was decided, with the date of decision.

(5) The register shall be submitted In original to a canal officer at such intervals as the Executive Engineer may direct.

(6) The irrigation panchayat shall report to a canal officer every case in which a person falls to comply with the notice or refuses to accept the panchayat's proposal for composition or the amount of composition is not paid within the time fixed.

(7) On receipt of the report, the Canal Deputy Collector shall take steps to realize such amounts as arrears of land revenue and at his discretion, may further impose a fine not exceeding Rs. 250.

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

166. The cash balance of the irrigation panchayat fund shall be kept by the 8arpanch in the name of the Irrigation panchayat fund, in the nearest post office saving bank or in a neighbouring co-operative bank or with the previous approval of the Canal Deputy Collector, with any respectable person residing in the village provided that any amount not exceeding Rs. 25 may be kept in custody of any panch for current expenditure.

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

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

169. An Irrigation panchayat shall maintain the following books and papers: (I) Panchayat fund account book in Form, 16.

(Ii) Counterfoil receipt book in Form, 17.

(iiI) Proceedings book In Form, 15.

(Iv) Correspondence and notices Issued by the panchayat.

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

All books and papers maintained by the Irrigation panchayat shall be submitted, at all reasonable time, to any canal officer or canal subordinate who demands to see them. **170**. (1) Irrigation panchayat shall be remunerated by the grant of commission, which shall be calculated separately for the collection of canal revenue and for administrative work.

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

(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 Rabl crop. Of the total sum payable the sarpanch shall be entitled to two shares and each panch to one share. Panchas who have taken no part in the collection owing to their absence from the village at the time it was made or to their being otherwise occupied, shall receive no payment but total sum due to the irrigation panchayat shall this account. not be reduced on

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

182. The Kistabandi Khatoni shall be sent to the Sarpanch and members of the panchayat or patel be the Irrigation Inspector under his Signatures on or before 15th JanuarY/30th April for the Kharif/Rabi Kist. The Sarpanch, and members of the Panchayat or Patel, on receipt of this statement, shall at once proceed to collect the canal revenue from occupier concerned and give acknowledgement in the Sinchai-pustika available with the occupiers

concerned and after making entry in the Kistabandl Khatoni will further prepare a receipt statement in duplicate by using carbon and will obtain signatures of the occupier concerned in token of having received the acknowledgement in Sinchai-pustika alongwith the amount deposited by him.

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

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

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

186. In case, the papers are not returned by the sarpanch, panch or patel within the prescribed period, the Amins will proceed to collect these papers and if, the Sarpanch, Panch or Patel refuses to handover the records, will report the fact immediately to the Canal
Deputy Collector who shall with the help of the police obtain these papers and take such further steps as he deems fit.

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

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

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

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

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

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

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

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

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

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

195. When an application In Form 29 Is received :

(a) The Executive Engineer shall cause such Investigation to be 'made as he may consider suitable;

(b) The investigation shall be made In consultation with the permanent holders concerned; and

(c) The proposals accepted by the permanent holders concerned shall be marked on a copy of the village map, which shall be signed by not less than three of the leading permanent holders, who have applied for investigation or, if the number of persons who have applied is less than three by all such persons.

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

197. If the conditions of section 66 are fulfilled, action shall be taken in accordance with section 52 read with section 67 and the certificate In Form 31 attached to these rules shall be signed by a canal officer before the contract is finally made and endorsed as in Form 32. 1. Revised rule 193 substituted vide Notification No. F/29/1!83/MM/31 dated 10-7-85 superseding the earlier amendment vide Notification No. 29/78/ML/ *39/78/11* dated 31-3-83. Penalty at the revised rates shall be leviable from the date of issue of this notification. **198.** The Amin, in consultation with the irrigation panchayat, shall prepare a list of the permanent holders and occupiers of land which is ordinarily irrigated or may be irrigated, who are responsible for maintaining a water course or a system of water courses. He shall enter against each permanent holder or occupier, the area of irrigable land held by him which is or may be served by the water Course or system of watercourses concerned and each permanent holder or occupier shall be responsible for executing the work or supplying labour for its execution in proportion to his area of land, which is ordinarily irrigated or may be irrigated, bear to the total area of irrigable land served by the water course or system of water courses. A copy of the list, after it has been approved by the Sub-Divisional Officer, shall be furnished to the Irrigation Panchayat and it shall be amended annually under arrangements made by the Sub-Divisional Officer.

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

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

Section 75{C), (D)(4), (E) & (G)

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

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

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

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

205. The subsequent allottees of the Government land so benefited shall be required to pay the Irrigation Panchayat concerned, the share towards the cost of contribution of field channels, with due regard to the area 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 the recovery of the expenses Incurred on construction of field channels shall be made by the Executive Engineer in the manner prescribed below in exercise of the powers conferred under section 75-C and sub-section (3) and (4) of section 75-D:

(a) When the work is undertaken under sub-section (2) of section 75-D, the amount so reported, shall be recovered and apportioned from and amongst the beneficiaries respectively with due regards to the area benefitted by such works.

(b) When the work Is undertaken under sub-sections (2) and (4) of section 75-D the amount reported under subsection (2) of section of 75-D and the amount incurred under sub-section (4) of section 75-D, shall be combined together and the total amount shall be recovered and apportioned from and amongst such permanent holders and occupiers with due regard to the area benefitted by field channels 80 constructed.

(c) When the work is undertaken under the provision of section 75-8, the amount so incurred shall be recovered from the beneficiaries named in the order with due regard to the area benefitted *by* such field channels.

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

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

(a) All those who have contributed towards the cost of construction of such field channels. (b) All those who have their lands within the command of such field channels and are desirous of availing irrigation facilities.

(c) All those who wish to take water for non agricultural purpose of general utility; provided that they pay to the irrigation panchayat one fourth of the usual charges of water rates till the amount of share per acre as contributed by the persons mentioned in clause (a) above is completed.

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

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

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

l[(a) on his turn when the turn system (warabandi) Is In force, or

(b) When the water is being wasted, or

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

(d) Otherwise with the written permission of the depart mental 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 in interfered

1. Rule 213(a), the words "Osrabandi or" deleted vide Irrigation Deptt. Notification No. F-27-8-81-MM'39 dated 6.11.82.

with or the water is rendered corrupt Or foul, shall be fined upto Rs. 250 and If the breach is a continuing one, a further fine which may extend to Rs. 10 for every day after the first day during which the breach had been persisted In.

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

Section 93 (A – 1)

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

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

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

3**[222.** The application for warabandl programme shall ordinarily be rejected If the area under complaint is :

(a) Very small;

(b) Irrigated from well;,

1,2,3. In rules 220, 221, 222 the words 'osrabandi' corrected to "warabandi" vide Notification No. F.27-8-81-MM-39 dated 6-11-82.

(c) On foreside *of* a drain, drainage or low ground or situated outside the area commanded by the out-let;

(d) On a temporary outlet;

(e) In times *of* drought or intense demand;

(f) Shortly before a new settlement;

(g) Proper maintenance of water course is not done.

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

(a) Fair distribution and economy of water is desirable;

(b) The area commanded is too large for the outlet;

(c) The water course is long one.

(d) There is enemity 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.

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

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

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

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

(a) Preparing a map on tracing cloth of the area under dispute, in triplicate.

(b) Marking of commanded area in green ink,

(c) Preparing cultivator wise details of the survey numbers, area under command of the outlets under operation;

(d) Marking of cultural land under possession of Government in yellow colour;

(e) Marking of unculturable land in black hatching;

(f) Marking of area for osrabandi vide item (c) in red colour;

(g) Marking of the boundary of the thok in dotted yellow;;

(h) Marking of the alignment of water courses and field channels in blue colour.

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

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

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

timings shall start from Sunday at 8.00 a. m.

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

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

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

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

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

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

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

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

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

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

(a) A change in the roster of channel;

(b) A change in the ventage or position of the outlet or alteration in command;

(c) Conversion of canal to well Irrigation or vice versa;

(d) Cultivated area becoming uncultivated or vice versa;

(e) Change In occupancy and other holdings;

(f) Any other special circumstances which in the opinion of the Executive Engineer necessitate revision.

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

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

1,2,3. In rule 236 & 237 the word osrabandi changed to warabandi and in rule 238 words "or warabandi" added as per Notification No. F-27-8-81MM-39 dated 6-11-82.

239. If Irrigation Panchayat or the permanent holders of not less than two third, or not less than 95 percent of the permanent holders of, all land under irrigation or under agreement in a village, mahal or chak desire the assistance of Banihar for distribution of water beyond outlet, they shall intimate their desire in writing to the section subordinate, specifying the period for which the assistance is fequired.

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

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

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

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

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

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

Section 99

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

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

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

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

249. When a person is reasonablly suspected of having committed an offence punishable under the Act or the rules made there under, and a canal officer considers that it should be compounded, he shall issue a notice in writing under his signature to 8uch person requiring him to attend at the time and place specified in the notice. It need not be In duplicate and shall be served on the person concerned by any person deputed by the canal officer. The person to whom the notice Is tendered shall sign or put his thumb mark thereon by way of acknowledgement and return It to the server. If
M. P. Irrigation Rules, 1974

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

Such amount shall be paid immediately within such time as the enquiring officer may fix.

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

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

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

F O R M S

(From) 1
(See rules 28)

Crossings over channels

Date ---------- Inspection made on Division ----------

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

Name of Channel ----------

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

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

(Form) 2

Form of Application for construction of submerging Tank

(We the undersigned, residents of village,,---------- Tehsil... ..... District, ... being permanent holders of the land, hereby apply for the construction of the submerging tank as per plan attached herewith and agree to abide by terms and conditions prescribed for such construction).

Signatures of the Permanent Holders.

(Form) 3

Form of Agreement for construction of Submerging Tank

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

(1. To pay Abi Rates and/canal water crop rates in addition to Abi rates as specified by Government from time to time, on all our lands under rules 62 and 63 of the Madhya Pradesh 1rrigation Rules, 1974).

(2. We agree that we will not claim any compensation for the period of submergence of our lands and will not interfere in any way for opening of the gates etc. before specified time)

(3. In year, of scarcity if it is considered that the tank should not be emptied for the welfare of the general public, we shall have no objection for such submergence except demanding the privileges whatsoever admission under the rules in force). (4. Should any dispute arise, as regards terms and conditions or anything to be done there under, the dispute shall unless it is otherwise provided for, be referred for the decision of the Superintending Engineer and his decision shall be final

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

Serial No	Village Tehsil District	Name of the Permanent holders	Survey No	Area	Signature thumb impressions of the permanent of the permanent holder

Signature of the Executive Engineer,

Signature of the Permanent Holders

Form- (4)

S. No											
1	e of k und e of r is r inag e	Vil l er di s eq of cr o at e e th e hi	ag w h tri b quir e ou p t a of r ch ch up er	e ich si utory d tlet fr o be i rea d ice, a ak or irriga ier re	tuate or m om w rrigat ema n ppro x bloc tion is quiri n d, req rop s	d in o hi c ed di n im k c reg i uir pe	r from h wa g ate a once r quire rrigat e wat cifie d t at th d	whi ter is rea ned d ion er for e	ch		**Application for supply of water on demand Duplicated**
2											Name of Village
3											Work under which situated
4											Name of distributory or minor from which water is required
5											Chainage of outlet from which water is required
6											Name of crop to be irrigated
7											Approximate area demanding irrigation
8											In the case of rice, approximate area of rice in the chak or block concerned
9											Date on which irrigation is required
											Name of occupier requiring irrigation
											We, the undersigned, require water for the irrigation of the crop specified above and agree to pay for it at the demand rate. We understand that water will be issued at such times and in such quantities as the Executive Engineer may order and that any sums due from any of us which are not paid by the date fixed will be recoverable as arrears of land revenue and that the decision of the Executive Engineer regarding charge to be levied is final and that no appeal shall lie against. We also know that no Suit for compensation lies either against the State Government or its officers in connection with our application for the supply of water and

Triplicate

Name of Village
Work under which situated
Name of distributory or minor from which water is required
Chainage of outlet from which water is required
Name of crop to be irrigated
Approximate area demanding irrigation

In the case of rice, approximate area of rice in the chak or block concerned
Date on which irrigation is required
Name of occupier requiring irrigation
We, the undersigned, require water for the irrigation of the crop specified above and agree to pay for it at the demand rate. We understand that water will be issued at such times and in such quantities as the Executive Engineer may order and that any sums due from any of us which are not paid by the date fixed will be recoverable as arrears of land revenue and that the decision of the Executive Engineer regarding charge to be levied is final and that no appeal shall lie against. We also know that no Suit for compensation lies either against the State Government or its officers in connection with our application for the supply of water and

the u rrigat ve an and r r will uch q ineer s due paid	oc c nd io n rd a at e be ua m a fr	s of gr . is nti ti y o m he as th ng i is	igne the c ee to We un sued es as orde r any date arre	pay f derst at su the and t of us fixed rs of deci rega r nd th also n	or i ans ch E xe ha w h wi la n si	that time s cutiv t any ich ar ll be d n of t g cha no ap	and e e he rge peal at no its and	understand that water will be issued at such times and in such quantities as the Executive Engineer may order and that any sums due from any of us which are not paid by the date fixed will be recoverable as arrears of land revenue and that the decision of the Executive Engineer regarding charge to be levied is final and that no appeal shall lie against. We also know that no Suit for compensation lies either against the State Government or its officers in connection with our application for the supply of water and any order passed there on.			any order passed there on.

Name of occupiers requiring irrigation 1.---------- Name of occupiers requiring irrigation 1.---------- Name of occupiers requiring irrigation 1.----------

2. ---------- 2.----------

2.----------

3. ---------- 3..----------

3.----------

Dated Signature of Sarpanch Dated Signature of Sarpanch Dated Signature of Sarpanch

Report by Amin **Report by Amin** **Report by Amin**

Can the area be irrigated from the Can the area be irrigated from the Can the area be irrigated from the

outlet specified ? If not, from what outlet specified? If not, from what outlet specified? If not, from what

outlet should it be irrigated? Outlet should it be irrigated? outlet should it be irrigated?

Date ---------- **Date ----------** **Date ----------**

Signature of Amin **Signature of Amin Signature of Amin**

Report by Section subordinate **Report by Section subordinate Report by Section subordinate**

Do you consider it desirable that Do you consider it desirable that Do you consider it desirable that

the application be complied with or the application be complied with or the application be complied with or

not? If so, Why? If not, why not? not? If so, Why? If not, why not? not? If so, Why? If not, why not?

Date…….. Date…….. Date……..

Signature of Section Subordinate Signature of Section Subordinate Signature of Section Subordinate

Remarks by S.D.O **Remarks by S.D.O** **Remarks by S.D.O**

Order of executive Engineer Order of executive Engineer Order of executive Engineer

Date…….. Date…….. Date……..

Signature ---------- Signature ---------- Signature ----------

Signature of sarpanch in token of Signature of sarpanch in token of Signature of sarpanch in token of

Having seen the order of E.E.

Marks/Signature of 1----------

Occupier requiring 2----------

Irrigation. 3..----------

4----------

Date of which water is first issued -----

Signature of Amin

Having seen the order of E.E.

Marks/Signature of 1----------

Occupier requiring 2----------

Irrigation. 3..----------

4----------

Date of which water is first issued -----

Signature of Amin

Having seen the order of E.E.

Marks/Signature of 1----------

Occupier requiring 2----------

Irrigation. 3..----------

4----------

Date of which water is first issued -----

Signature of Amin

Form 5

(See Rule 68)

Form of application for the supply of water to supplement a village tank

(We, the undersigned residents of mouza ---------- being the owners of having the right to use the tank in that village situated in Khasra number ----------, hereby apply for supply of water from the ---------- tank/canal. The quantity required is about -------- m.c. f.t

---

Signature of applicants

(we/I agree that water may be supplied as desired by the applicants, but undertake on/undertakes responsibility for payment therefore).

Signatures of owners when they are not applicants

(The above applicants are informed that, after the form of contract attached is signed by them and suitable arrangements are made to deliver the water from the point at which it is supplied into the tank, a quantity of about …….. m.c. ft. will be issued on …… The charge to be paid for the water will be about Rs. …….).

Executive Engineer

(Form) 6

(See Rule 69)

Form of contract for the supply of water to supplement a village tank

(We, the undersigned residents of mouza …… being the owner of/having the right use the tank in that village, situated in khasra No. …… undertake in consideration of the supply of about …… m.c. ft. of water from the …….. tank/canal.

(a) to make suitable arrangements, to deliver the water from the point at which it is supplied into the tank.

(b) jointly and severely to pay with the …… kist the sum assessed on account of water supplied at a rate of Rs. …… per …… m.c.ft.

(c) that the water supplied shall not be used for the irrigation of crop that is not under agreement.

(1. We agree -)

(a) that, if the Executive Engineer is not satisfied with the arrangements made by us to deliver water into our tank and if he incurs any expenditure on their improvement, we shall be liable to pay the sum so expended at the same time that we pay for the water received ; and

(b) to accept the measurements as determined by the Executive Engineer of the quantity of water supplied as final.

(3. Arrears of any sum due from us may be recovered as of arrears land revenue).

Signatures of the applicants.

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

…… Executive Engineer

Dated …… Division

Form) 7

(See Rule 72)

(An agreement made on the …… day of ……. One thousand nine hundred and ……. Between the Governor of Madhya Pradesh herein after referred) to as ' the Government' (which expression shall unless excluded by, or it be repugnant to the context or meaning there of deemed to include his successors of the one part and the ……. a company registered under the Indian Companies Act, 1913 (VII of 1913)/ The Companies Act, 1955 (1 of 1956) and having its registered office at …… here in after referred to as 'the Company' (which expression shall, unless excluded by or it be repungnant to the context or meaning there of deemed to include its successor of the other part);

(Where as the Company has applied to the Government for permission to draw ……. Litres (i.e. ……. Gallons) of water per day from the ……. Canal (hereinafter referred to as "the said canal") for the use by the company's …… plant (hereinafter referred to as "the said Plant" and laying underground and surface pipes and drains for discharge of the factory effluent).

(And whereas the Government has agreed to grant the aforesaid permission to the Company on the terms and conditions hereafter appearing);

(And Whereas prior to the execution these present the Company has deposited with the Government the sum of Rs. ……. Being the water rates and local fund cess for the quantity of water to be drawn by the Company in six months);

(And Whereas it has been agreed that the said sum of Rs. ……. will not bear any interest);

Now this agreement witnessth as follows:-

(1) In consideration of the Company Duly making payment to the Government as hereinafter specified and duly observing and performing the covenant and conditions, both here in contained Government hereby give permission to the Company to draw ----- litres of water per day from the said canal to the Company's said plant for a term of ---------- years commencing from the ------ day of ----------19---------- on the terms and conditions herein contained. The permission hereby granted shall be shall subject to the provisions of the Madhya Pradesh Irrigation Act, 1931 (3 of 1931), amendments thereof and any executive orders issued in this behalf by Government from time to time and for the time being in force).

(2) The Company shall pay to the Government water rates for water drawn by it from said canal at the following rates namely :----------

---

(Note :- Here rates which are going to apply to the Company must be shown and not other rates).

(In addition to the payment of water rates referred to above, the Company shall also duly pay to ------ Local Fund cess or any other tax at the rates as fixed by the Government from time to time. Government hereby reserves to itself the right to revise from time to time the said water rates and the local cess or other taxes to be paid by the Company and the Company shall pay such revised Government from time to

time. Excepting the circumstances or short water supply described in clause (14) hereof the company shall in any event, pay water charges for at least 90% of the total quantum of water allowed to be drawn by it though the actual quantity of water drawn by the Company is less than 90% of the quantum of water allowed to be drawn by it by clause (1) hereof). (3) Nothing herein contained shall be deemed to imply any guarantee on the part of the Government as to the availability or otherwise of any specific quantity of water and Government shall not be responsible for the non-supply or inadequate supply of water on any account whatsoever, and for damages or loss arising due to non –supply or less supply of water).

(4) The water from the said canal, shall be used by the Company for the purposes of the Company's said plant and shall not be sold or other body. In the event of any such sale by the Company, without prejudice to the Government's rights to revoke this licence, Government shall be entitled to recover from the Company, the proceed of such sale realized by the Company);

(5) The permission hereby granted shall not in any manner prejudicially affect the existing water rights vested in the upstream riparian owners nor shall it in any way, prejudice Government's right to hereafter launch or implement any new scheme or schemes of its own at, on or in connection with the present source of the said canal).

(6) The company shall not construct the pick-up weir in the said canal unless the proposals, plans, drawings, specifications , estimates and all other details thereof are previously submitted to and approved in writing by an officer authorized in that behalf by the Government and while granting its approval to the construction of the pick-up weir Government may impose such conditions as it may in its absolute discretion think fit).

(7) The arrangements for measurement of the water drawn by the Company from the said canal shall be made by the Company in such manner as may be directed by the Government of the Executive Engineer ---------- Division (hereinafter referred to as " the Executive Engineer"). The automatic measuring device shall be installed and maintained by the company at its own cost after obtaining prior approval there to in writing from the Government or the executive Engineer. If measuring device so installed by the Company as aforesaid, ceases to function or goes out of order, the charges which the Company would be liable to pay to Government in respect of consumption of water for the days measuring device does not work, shall be calculated on maximum
pumping capacity of the pumping Station installations erected at the head work of the Pumping Station by the Company on its own land as aforesaid).

(8) (The company shall at no time discharges any effluent water into the said canal but shall make its own arrangement at its own costs for its proper disposal).

(9) With in thirty days from the date monthly demands are received by the Company from the Executive Engineer, the Company shall pay to the ---------- the amount of water rates and local fund cess for the water drawn by the Company during the proceeding month).

(10) (The company shall always keep deposited with the ---------- the said sum of Rs.---------- as security for due and proper payment of the water rates and local fund dues and irrigation dues and due observance and performance of the terms and conditions herein. In the event of failure by the Company to duly pay the aforesaid dues, the outstanding dues from the Company shall be adjusted against the said deposit. On default of the Company to punctually pay the water rates and Local Fund Cess as aforesaid, Government shall without prejudice to its any other rights and remedies, be entitled to terminate this agreement forthwith.)

(11)

Without prejudice to any other, its remedies and powers of the Government any sum due and payable by the Company, under these presents shall be recoverable from the Company in the same manner as an arrear of land revenue under the provisions of law for the time being in force in that behalf .)

(12) The Executive Engineer shall as far possible declare in advance, the periods during which the said land or other artificial sources feeding the said canal will ordinarily be closed, for cleaning and overhauling, and if possible will declare a fortnight in advance the actual

date of curtailing or stopping of water supply from the said canal. Provided however, the Executive Engineer, shall be entitled to apply cut in water supply from any Government artificial channel with. out previous notice, and then Company shall have no right for any compensation due to such cut in water supply.)

(13) In the event of there being a shortage of water in the said Canal or artificia1 sources, the Executive Engineer shall serve a notice on the company explaining the possibility of the anticipated shortage. The Company shall in such circumstances, reduce the consumption of water and will furnish to the Executive Engineer, a weekly return showing the actual quantum of water drawn by it.)

(14) The Government shall be entitled to withdraw the permission hereby granted to the Company to draw water after giving to the Company one month's prior notice in writing in that behalf).

(15) No existing irrigation interests under the river, spring, channels and irrigation wells, shall be prejudiced. If in the opinion of the Government such existing interests are prejudiced, the Company shall pay such compensation to the concerned person of persons whose interests are affected as may be determined by Government).

(16) Water shall ordinarily be drawn by the Company only when the said canal is flowing during the period prescribed by the Executive: Engineer for the Company, from time to time and the Company shall arrange to draw its quota only during this prescribed period. Drawal of water on days other than the prescribed ones, which will prejudice the interest of others and cause losses will not be allowed.)

(17) The Company shall at all times allow an officer of Irrigation Department of the Government of Madhya Pradesh a authorized in that behalf, to inspect the measuring device as well as the accounts and furnish to the Government copies of entries from the records maintained by the Company.)

(18) Any notice or other documents to be given to or served upon the Company thereunder may be given or served on behalf of the Government by the Executive Engineer and any such notice or documents shall be deemed to have been duly given to or served upon the Company if it is sent by registered post or delivered at the registered office of the Company.)

(19) If the company commits a breach of any of the term and conditions hereof, Government shall be entitled to forthwith terminate this agreement and thereupon the Company shall discontinue to draw water from the said canal without Government being liable for payment of any compensation whatsoever to the Company.)

(20) On the expiry of the term of this agreement Government, may renew this agreement for such further period and on such terms and conditions as the Government may in its absolute discretion deem fit.)

(21) The costs and incidental charges incurred in the execution of this agreement including stamp duty shall be borne and paid by the Company.)

(IN WITNESS WHEREOF ..... Executive Engineer,.....Division, has for and on behalf of the Government of Madhya Pradesh hereto set his hand and affixed the seal of the office and the Common Seal of the..... has been hereupto affixed on the day year first herein above written.)

SIGNED, SALED, DELIVERED

(by ----------Executive Engineer,..... for and on behalf of the Governor of Madhya Pradesh in the presence of.) 1... .. .

... ...

2 ....

(THE COMMON SEAL OF ....was pursuant to the resolution of the Board of the Directors of the Company dated the .....and..... ..... Directors of the Company who in token thereof have hereto set their respective hand in the presence of-.....)

1... ....

2... ....

(Form) 8

(See Rule 84)

Part I

(Whereas the State Government has agreed to supply water from the tank/canal for the purpose of irrigation of the.....-... crop in the area under that crop that is commanded by the said tank/canal in the village of and undertakes.)

(I. To deliver the water equitably at a commanding point or points in the said village;)

(II. To supply the water when it is required subject to)

(a. Its being available, and)

(b. the regulation of the supply by the Executive Engineer and its delivery at such time or times as may seem to him most conducive to the interests of the cultivators.)

(III. To grant us remission in accordance with the rules under section 47 of the Madhya Pradesh Irrigation Act as following:-)

(a. When owing to defect in the head works of distributing system of a canal and not to shortage of supply, water is not delivered when required in any area, the Superintending Engineer may grant remission of canal revenue in such area though it is not admissible according to the scales prescribed in rule I.)

(b. In years of general failure of the monsoon an enquiry sha1l in accordance with such instructions as may be issued by the State Government be made into the outturn by Irrigation Officers in consultation with Revenue Officers. For purposes of remission the Khasra numbers in the canal irrigated area in each village shall be divided into groups, and the Executive Engineer shall grant remission, on the scale prescribed in rule I, by individual Khasras number according to the estimated outturn of the group concerned.)

(Part II)

(We the. undersigned, being permanent holders of the land usually cropped with ----------in the said vi1lage of; commanded by the said tank/canal hereby agree as follows :-)

(1). To pay water rates at the rates and for the years specified in the schedule below on all land under agreement in the years detailed, which is commanded by the said tank/canal, whether such land is sown or not and irrigated or not; provided that the Executive Engineer with the sanction of the Superintending Engineer may exclude from this agreement any area which in his opinion, it is undesirable to include for reasons to be recorded by him and provided further that land classified at the current settlement as irrigated from any private source of irrigation or classed as bahra, Jhilan, Bandhwas, narbhanda, tagarbandhia or talas, or declared as wet by the Executive Engineer with the sanction of the Superintending Engineer may exclude from the agreement entirely at the option of the permanent holder. If the permanent holder of such lands desires subsequently to include them in this agreement they shall if the Canal Deputy Collector with the authority of the Executive Engineer, agrees to their inclusion, be liable to assessment at a rate which shall be Rs-.-paise ,per acre less than the rates prescribed in the schedule provided that the lands are assessed to revenue at a wet rate :-)

(Schedule)

Year	water rate per acre

(2). To take the supply of water delivered to us from the assigned outlet(s), the size and position (s) of which shall be fixed by the Executive Engineer may, be altered by him when necessary.)

(3). To make payment of the full amount of water rate levied under clause (1) in part II to the sarpanch or a member of the panchayat on or before the 31st March/30th June or such later date as may be fixed by the Superintending Engineer.)

(Part

lll)

(We understand that-)

(1). The State Government does not undertake to supply our demands in full at all times, and the fact that it is unable to or fails to do so does not entitle us to claim a remission of the rate or any other concession.)

(2). Under clause (2)(b) in part I water may be delivered into our fields continuously under the instructions of the Executive Engineer and subject to the control of the Sub-Divisional Officer, provided that due regard is paid to the safety of our crops.)

(3). if any wet-land cultivated with in which is not covered by the terms of this agreement, is irrigated, such irrigation shall be paid for at the demand rate or such higher rate as may be decided, depending on the circumstances in which the irrigation is done; and)

(4). no assessment will be made on dry land not under agreement which may be cultivated with the crop under agreement at any time during the period of this agreement.)

((Part IV)

(Should any dispute arise as regards the terms or construction of this agreement, or anything to be done thereunder the dispute shall, unless it is otherwise provided for, be referred for the decision of the Superintending Engineer and his decision shall be final.)

(Part V)

(We certify that we understand the terms of this agreement.)

.....

(Signatures or marks of permanent holders.)

(Form) 9

(See Rule 84)

Short term Agreement Form

(Whereas ..... the State Government has agreed to supply water from the tank)canal to Shri ----------S/o

resident of village.……" Tehsil.....District.. the season Kharif/Rabi/Zaid for the year----------)

for the purposes of irrigation of the crop mentioned below for

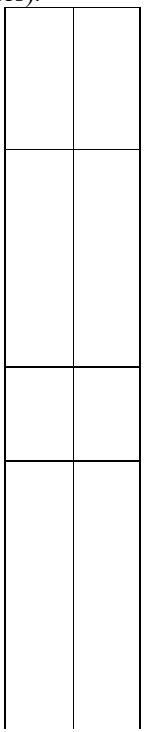
S. No.	Name & No. of outlet with sizes	Khasra No. Area	Name of Crop	Remarks
(1)	(2)	(3) (4)	(5)	(6)

(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 conductive to

c. To grant remission is accordance with the rules under section 47 of Madhya Pradesh irrigation ct, 1931). the interests of the cultivators).



(Part II) I

the undersigned, being the permanent holder of the land hereby agree as follows-

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

(2.) To take the supply of water delivered to me from the assigned out let (s) size and position (s) of which shall be fixed by the Executive Engineer and may be altered by him when necessary.)

(3.) To make payment of the full amount of water rate levied under clause (1) in Part II to the sarpanch, or a member of the Panchayat on or before 31st March, 30th June or such later date as may be fixed by the Superintending Engineer).

Part -III

(1). The State Government does not undertake to supply my demands' in full at all times, and the fact that it is unable to or fails to do so does not entitle me to claim a remission of the water rate or any other concession).

(2). Under clause (2) (b) in Part I water may be delivered into my field continuously under the instructions of the Executive Engineer and subject to the control of the Sub-Divisional Officer, provided that due regard is paid to the safety to my crops, and)

(3). If any land which is not covered by the terms of this agreement is irrigated, such irrigation shall be paid for at double the rate or such rate as may be decided, depending upon the circumstances in which the irrigation is done).

Part IV

(4). Should any dispute arise as regards the term, or conditions of this agreement or any thing to be done there under the dispute shall unless it is otherwise provided for "be referred for the decision of the Superintending Engineer, and his decision shall be final).

Part V

I Certify that I understand the terms of this agreement.

Witness

(Signature or Marks of permanent holder)

Certificate

((I here by certify that the rules and relevant details have been explained to the person who was entered into the agreement).

(Form 10)

(See rule 84)

Supplementry Long Term Agreement

1 ....son of ... . Caste...a permanent holder of land irrigable from ……..……tank/canal in the village of in the ..... tehsil of the...District, hereby declare that I am bound by the agreement entered into between other permanent holders of this village and Canal Deputy Collector on or about the.……..day of.. ..... ……. and I further declare that I understand the terms of the agreement, Dated the ..... ……...day of ……20.)

……

Signature or mark of the permanent holders.

(Form) 11

(See Rule 89)

(I,……. . Canal Deputy Collector/Irrigation Inspector for the tank/canal hereby certify that on Ii visit to…….. the date whereof was. duly notified to the villagers, I heard all objections~ raised by the permanent holders of irrigable land in the said village arid find that no cause has been shown against a declaration that this agreement is binding on all permanent holders of irrigable land in the said village to which this agreement is applicable, and I accordingly hereby declare that this agreement is so binding,)

Dated ---------- day of --------- 20 Signature of Canal Deputy Collector or Irrigation inspector.

(Form) 12

(See Rule 100 and 105)

(Notification)

(It IS notified for the information of all concerned that water for irrigation of Kharif/Rabi/Zaid crop for the year Samwat..... to the extent of ... acres wi

(The concered should therefore submit their agreement to the respective Irrigation Inspector or the authorized subordinate or on before

1[Word osrabandi changed to warabandi vide notification No. F-27-8-81 MM - 39 dated 6-11-82.]

Name of Canal Distrib (2) o utary's	

(Form) 13
(See Rule 114)

(If Application for Remission of Irrigation Revenue

(**Note**-Application for the remission of water rates should be submitted in this form to the Irrigation Inspector, and for the remission of dues on account of tank bed cultivation to Sub-Divisional Officer through the Section Subordinate. Applications concerning the Kharif kist should be submitted by the 31st October and those for the Rabi kist by the 15th February or 14 days before the crop is cut.)

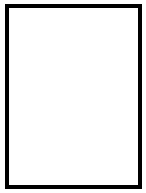
(1) Name of village) (Tehsil)
(2) Name of work and Distributary under which it is situated.)
(3). Reasons for requesting remission i.e. why crop has failed.)
(4). Details of area Oil which remission is requested,)

Name of applicants &	Khasra number	Area	Crop	Rate	Amount
			4		

Initial or seal
of Divisional

(Form 14)

Irrigation Panchayat member election Form

1. 
2.
3.
4. ……..
5. ……..

(I, cast my vote in favour of the following persons to whom I consider fit for becoming a member of Irrigation Panchayat of village……..)

……

(Signature of the writer)
(in case of illiterate persons)
voter

Signature or thumb
impression of the

Certificate by the Presiding Officer

(I certify that the voter has presented it after filling it himself or by another person (in case of illiterate persons) in my presence.)

…….

Signature of the Presiding Officer

(Form) 15
(See Rule 156 and 169)

(Proceeding Book)

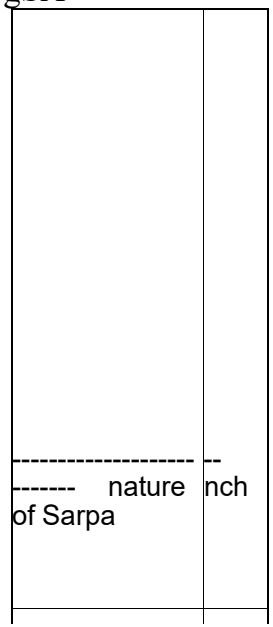
Date	Name of Panchas Present	Business transacted	Signature or thumb impression of Chair- man or president
(1)	(2)	(3)	(4)

(Form) 17

Rupees…….. (in words and figures)

Date……..

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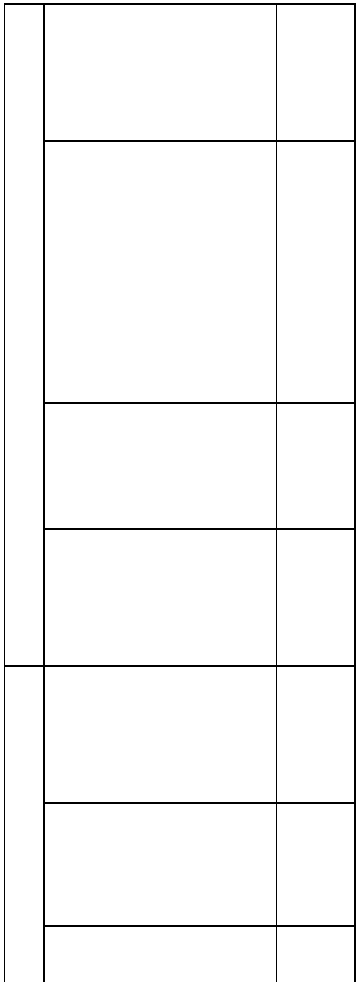
127

Forms 16 (see rule 169)

Panchayat Fund Account Book

Receipts					Payment				
Date of receipt	No of Receipt	From whom received and on what account	Amount Rs.	Remarks	Date of payment	No. of voucher	To whom paid and on what account	Amount Rs.	Remarks

1 2 3 4 5 6 7 8 9 10



128

(Form) 18

(See Rule 171)

(Register showing the names of Sarpanehas and panehas appointed for the Irrigation villages of……..)

(Name of work ……..)

Name and number of Distributary	Serial Number	Names of villages with Patwari circle	Names of Sarpanchas	Names of Panchas	Remarks
1	2	3			4

10

etc.		
(1)		
Details of agr No. and date		**ee m** rea
1		1

No. &
date

27

Details of Agreement

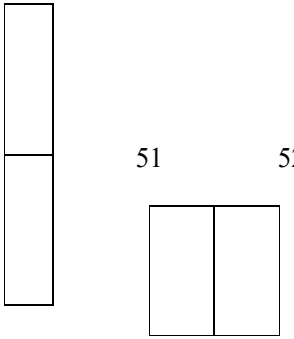
Area
28

		ea u Rabi		
			Name of R	ate
Singl	**Ar** e rate		crop **nder Govt. lift** **i** 10%	**rriga** **t**
19 Cro 29			extra rate ra area 20 21	te are
	Fasal			
	p Singl rate	Are e	a under flow irri 10% extra rate area	gatio n d

Fasa	**Ab**			
A Sin g Rat e Tot a 22 Sin	rea le l			
		l Kharif **stract**		
		10% extra	a	
		Submerg	ed	
		area 23		24
	Are a	under priv 10% extra	ate l a	ift irr 35
rat are 33	a	rate are 34		

	30	area	31	3	area 2				

Area under private lift irrigation				Remarks
Single				
rate area				
Fasal extra				
40				
		Crop		
		41		
10 % extra area				
rat		a		



51 52 53 54 55 56

Abstract

Area

(1.

(2.

(3.

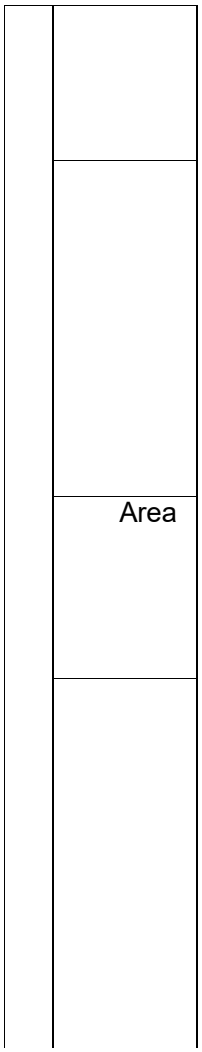
(4.

Objections in respect of any wrong entry for water supplied on agreement or on demand or unauthorized irrigation, waste of water etc. may be made to the section subordinate, within 10 days from the receipt of the Parcha. Parcha must accompany with the petition.)

Appeal against the order of Irrigation Inspector must be made in writing to the Canal Deputy Collector, Sub-Divisional Officer or the Executive Engineer as per rules as the case may be within 10 days of the date of such order.)

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 Sinchai Pustika from the Irrigation Panchayat or Irrigation staff to whom the payment is made. In case of refusal or not giving receipt report should be made to the Executive Engineer within



(Form) 21
(See Rule 173)
List of delivery of Irrigation Parcha (Bills)

Name of Village. ..... Tehsil. ..... District. ..... Crop. ..... Year……..

Serial No. (1)	.

irrigation

15

Balance at the end of the year

Year

28

16

rate

29

Water

R 1			
	of & Irrigation Serial No.	n	
	3		4
	ate Am of	ou du	nt es

16
Date of payment
17
Person making payment

15
Remarks
27
Remarks
1

Form 23

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21 22
Date of Chal
payment No.
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Date

(Form 24)
(See Rule 174)
Abstract Kistbandi Khataoni

Rabi…… Year …… Samvat …… Name of Tehsil

…… Kharif ……

Year……Samavt……

Name of work	Amin Halka	Patwari Halka	Nam
1	2	3	4

Amount due			Amount of Remission		
5	6	7	8	9	10
Water rate	Irrigation Cess	Total	Water rate	Irrigation Cess	Tota

Balance to be recovered		
water rate	Irrigation Cess	Total
11	12	13

Details of amount realized			
Water rate	Irrigation Cess	Total	Chal amou treas
14	15	16	17

Name of person making payment	Balance to be recovered			Rem
	Water rate	Irrigation cess	Total	
18	19	20	21	22

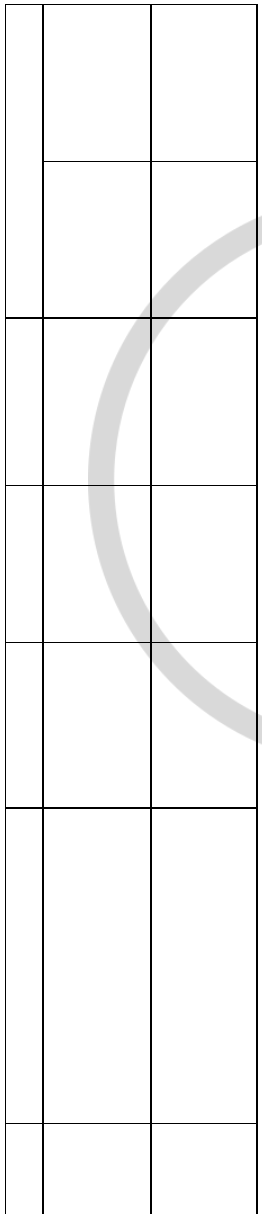
(F~~orm~~ 25)

Area

9

Amount

10



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

Balance due from the village wi	th st e
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(Form 27)

Number of distributary or name of tank	
1	2
Total amount paid at the try. By the panchayat in each village	**3**
Name of village	Name &
3	

Form 29

(See Rule 194 & 195)

(Investigation *of* water Courses)

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

(Signature of applicant)

(Form 30)

(See Rule 196)

Contract for the Construction *of* Water Courses

(We the permanent holders of land in the villagejmahaljchak of..... which is covered by the irrigation agreement of that village/mahal/chak hereby agree, under section 65 of the Madhya Pradesh Irrigation Act, 1931 to the construction of a water course or system of water courses, as shown in the attached village map of the said village on the following terms;-)

(1. The state Government shall construct the water course or system of water Courses and shall bear the cost of construction.)

(2. We shall be responsible for the proper maintenance of the water courses and shall repair and maintain them under the direction of the irrigation panchayat and instruction of the Executive Engineer).

(3. If, any time after the Executive Engineer has made a proclamation in the village under section 73 (A) requiring the repairs of a water course or system of water courses of be made to his satisfaction, we fail or refuse to make the repairs or the Executive Engineer is not satisfied with the manner in which they have been made, he may:-

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

b. Acting under section 73(c) cause the repairs to be made and collect a sum not exceeding twice the cost thereof from ~he permanent

holders or occupiers concerned in proportion to the area held by them which are ordinarily irrigated, may be irrigated, under an irrigation agreement through such water course or system of water courses.)

(Provided that when our village/mahallchak has ceased to be under an irrigation agreement, we shall not be required to maintain our water courses until it again comes under agreement when we shall be bound to place them is a satisfactory state of repairs, failing which we shall be liable to the penalties prescribed above.)

(4. If we, persistently fail to maintain our water courses in proper repairs, the Superintending Engineer, may after giving us one month notice of his intention to do so, cancel our long term irrigation agreement under section 56.)

(5. We are aware that irrigation from a water course may be affected only from certain specified points of the water course. If a supply is taken from any point other than one that has been specified, the Executive Engineer, may stop the supply of water to our village for such period as he thinks fit.)

(6) Our liability to pay canal revenue shall not be affected by the stoppage of the supply under clause 3 or 5.)

Signature marks of permanent holders

(Form) 31

(See Rule 197)

Certificate of Enquiry on objections for Water Courses

(I, Executive Engineer / Sub Divisional' Officer/Canal Deputy Collector for the…… Tank/channel, hereby certify that on a

visit.....

the date whereof was duly notified to the villagers, I heard all the objections raised by the permanent holders of land in the village /mahalf chak concerned, who shall be affected by the proposed water course contract if it is accepted, and found that no cause has been shown against a declaration that the said contract shall be binding on all permanent holders of irrigable land in the said viIlage *I* mahal / chak and recommend that it be accepted by the state Government.

.....

Signature of E.E / SOO / CDC

(Form) 32

(See Rule 197)

Acceptance of water course contract

(In pursuance of section 65 and 66 of Madhya Pradesh Irrigation Act 1931, I hereby accept the aforesaid Water Course contract on behalf of the State Government and declare it to be binding on all permanent holders of irrigable land in the village/mahal/chak of…… .....)

Executive Engineer

Form) 33

(See Rule 246)

Government of M. P. Irrigation Department

Preliminary Offence Report

1. Report No. ... Date……. Month .... Year 19……

2. (Name of the offender, parentage caste, residence etc.).

(Submitted along with the statements etc. to the Sub-Divisional Officer/

3. (Kinds of offence, under sub section ---------- of section 94 of M.P. Irrigation Act.)

4. (Place of offence)----------

5. (Date of offence) ----------

6. (Details of goods forfeited and further proceeding taken)---------- ---------- ----------

---

7. (Name and addresses of witnesses).

1…… 2……

3…… 4……

(Submitted to the Sub Engineer/Irrigation Inspector……for information and necessary action.)

Section Subordinate (Submitted along with the statements etc. to the Sub-Divisional Officer/Canal Deputy Collector ---------- for further disposal ----------

----

Sub Engineer/Irrigation Inspector

(Advance copy submitted to the Executive Engineer Irrigation Division ---------- for information (In case of offences under Section 94 A,B & C Only).

Section Subordinate

(N.B. _ This report should be submitted within 24 hours of the commission of the offences to the higher officer).