# KERALA IRRIGATION AND WATER CONSERVATION RULES, 2005

**PUBLISHED BY AUTHORITY**

Vol.LThiruvananthapuram 10th December 2005 No. 2660

**GOVERNMENT OF KERALA**

**Water Resources (ISWC) Department**

**NOTIFICATION**

G. O. (P) No. 60/2005/WRD. *Dated, Thiruvananthapuram, 5th December, 2005.*

**S. R. O. No. 1076/2005**.— In exercise of the powers conferred by section 94 of

the Kerala. Irrigation and Water Conservation Act, 2003 (31 of 2003), the

Government of Kerala hereby make the following rules, namely:—

**RULES**

1. *Short title and commencement.*—(1)These rules may be called the Kerala Irrigation and Water Conservation Rules, 2005.

(2) They shall come into force at once.

2.*Definitions.*—(1) In these rules, unless the context otherwise requires,-

(a)"Act" means the Kerala Irrigation and Water Conservation Act, 2003 (31 of 2003),

1[(b) "Authorized officer" means an officer authorized by the Government under

sub-section (1) of section 4 ;

(c) "Form" means a Form appended to these Rules;

(d) "Prescribed authority" means the authority prescribed in rule 6 under sub-

section (1) of section 9;

(e) "Schedule" means a schedule appended to these rules;

(f) "section" means a section of the Act.]

1. Inserted by G.O(P) No.1/2018/WRD dated 18th February, 2018, S.R.O No.125/2018.

(2) Words and expressions used and not defined in these rules but defined in the Act, shall have the meaning respectively assigned to them in the Act.

1[3. *Regulation of abstraction of water from water courses.*—

(1) Every application for permission to abstract water shall be submitted to the authorized officer in

Form No.1 accompanied by a fee of Rupees 5 (five only) to be paid by means of treasury chalan remitted in the Head of Account "0701-80-Gen-other receipts – 103-sale of water for other purpose.

(2)On receipt of an application under sub-rule (1), the authorized officer shall call for a detailed report from the Irrigation Officer within 30 days of such receipt and thereafter on the basis of the report and after due enquiry, he may grant or refuse to grant permission, by a speaking order, within 30 days of receipt of the report.

(3) The report of the Irrigation Officer shall among other details, if any, contain the following details, namely:-

(a) whether the applied quantity of water(or any less quantity of water than applied for) would be available for abstraction through out the agreement period after ensuring that the riparian rights to the downstream stakeholders are satisfied based on hydrological data;

(b) whether any drinking water project would be adversely affected if water is allowed to be abstracted;

(c) whether any irrigation work would be adversely affected if water is allowed to be abstracted;

(d) whether the ecology, environment, or natural resources would be adversely affected if water is allowed to be abstracted;

(e) whether in his opinion, permission to abstract water may be granted or refused in light of the above;

(f) if permission can be granted upon complying with any special conditions, the conditions thereof;

(g) if permission can be granted, the quantity of water that may be allowed to be abstracted during different periods or spells of the agreement;

(h) if permission should not be granted, the specific reasons thereof.

(4) Where permission is granted, the applicant shall execute an agreement with the authorized officer, in the format in schedule 1.

(5) The agreement executed shall be valid for a period of one year subject to the terms and conditions of the agreement.

(6) The Irrigation Officer shall submit at the end of every three months, after executing the agreement, a report containing the details specified in sub-rule (3) to the authorized officer for taking a decision on the continuance of permission to abstract water.

(7) It shall be the duty of the Irrigation Officer to ensure that no person or agency abstracts water from a water course except in accordance with the Act, rules, and the terms and conditions of the agreement and he shall be liable for any default.]

1. Substituted by G.O(P) No.1/2018/WRD dated 18th February, 2018, S.R.O No.125/2018.

(4) Where permission is refused, it shall be communicated to the applicant showing the reasons for such refusal in writing.

(5) Where the permission is granted an undertaking or agreement shall be executed by the applicant as to the terms and conditions for abstraction of water.

4.*Appeal,*—(1) Any person or agency aggrieved by an order refusing to grant permission under 1[sub-rule (2)] of rule 3 may, within a period of 60 days from the date of receipt of such order, prefer an appeal to the Collector of the District.

(2)The appeal shall be in the form of a memorandum setting forth concisely the grounds for objection to the order, which is the subject of the appeal, and shall be accompanied by the original or certified copy of that order. The memorandum of appeal shall be submitted in duplicate.

(3) A fee of rupees one hundred shall be paid by means of a treasury chalan in respect of each appeal.

5.*Construction and commissioning of irrigation works by the Government.*— The particulars of the irrigation work to be published in the Gazette by the Government under section 8 of the Act shall include the following, namely:—

(i)Name of work

(ii)Details of estimate
(a)estimate cost
(b)actual cost

(iii)Date of sanction

(iv)Date of commencement of work

(v)Ayacut area
(a)Village/Panchayat
(b)Taluk/District

(vi) Date of commissioning

(vii)Whether commissioning partly or fully.

2[5A. *Grant of permission to construct, install, fix or lay any structure over, across, along, or inside an irrigation work*--- (1) The Superintending Engineer, under whose jurisdiction the irrigation work falls, shall be the authority under section 5 of the Act to grant permission to construct, install, fix or lay any structure over, across, along, or inside an irrigation work.

(2) Every application for grant of permission under section 5 shall be made to the Superintending Engineer, under whose jurisdiction the irrigation work falls, in

Form No.3A, accompanied by a fee of Rs.100 (Hundred only) by means of a Treasury Chalan remitted in the Head of Account "0701-80-Gen-other receipts – 103- sale of water for other purpose."

(3) On receipt of an application under sub-rule 2, the Superintending Engineer, under whose jurisdiction the irrigation work falls, shall call for a detailed report from the Irrigation Officer, within 30 days of such receipt and thereafter on the basis of the report and after due enquiry, he may grant or refuse to grant permission, by a speaking order within days of the receipt of the report.

(4) The report of the Irrigation Officer shall, among other details, if any, contain the following details, namely:-

(a) whether the grant of permission to construct, install, fix, or lay any structure over, across, along, or inside the irrigation work as per the plan, design, or drawings is feasible or any modification is required.

1. Substituted by G.O(P) No.1/2018/WRD dated 18th February, 2018, S.R.O No.125/2018. 2. Inserted by G.O(P) No.1/2018/WRD dated 18th February, 2018, S.R.O No.125/2018.

(b) whether the grant of permission to construct, install, fix, or lay any structure over, across, along, or inside the irrigation work as per the plan, design, or drawings would cause damage or disturbance for the functioning of the irrigation work;

(c) whether any future development of the irrigation work would be adversely affected if permission is granted;

(d) whether beneficiary of any irrigation work would be adversely affected if permission is granted;

(e) whether the ecology, environment, or natural resources would be adversely affected if permission is granted;

(f) whether in his opinion, permission may be granted or refused in light of the above;

(g) if permission can be granted upon complying with any special conditions, the conditions thereof;

(h) if permission should not be granted, the specific reasons thereof;

(5) Where permission is decided to be granted, it shall be granted in the format given in Schedule V;

(6) On grant of permission, the applicant shall execute an agreement with the Superintending Engineer, under whose jurisdiction the irrigation work falls, in the format given Schedule VI;

(7) It shall be the duty of the Irrigation Officer to ensure that no person or agency shall construct, install, fix or lay any structure over, across, along or inside an irrigation work, except in accordance with the permission granted by the Superintending Engineer, under whose jurisdiction the irrigation work falls, and after executing agreement specified in Schedule VI and he shall be liable for any default.

5B.*Appeal* --- (1) Any person or agency aggrieved by an order refusing to grant permission under rule 5A may, within a period of sixty days from the date of receipt of such order, prefer an appeal to the Chief Engineer(Irrigation and Administration), Thiruvananthapuram.

(2) The appeal shall be in the form of a memorandum setting forth concisely the ground for objection to the order, which is the subject of the appeal, and shall be accompanied

by the original or certified copy of the order refusing to grant permission. The memorandum of appeal shall be submitted in duplicate.

(3) A fee of rupees one hundred, shall be paid by means of treasury chalan in respect of each appeal, remitted in the Head of Account "0701-80-Gen-other receipts-103-sale of water for other purpose";]

1[6. *Issue of License to use water from an irrigation work*—(1)The prescribed authority for the purposes of clauses (b) and (c) of sub-section (1) and sub-section (2) of section 9 shall be the Chief Engineer(Irrigation and Administration),Thiruvananthapuram.

(2) Every application for a license to use water shall be submitted to the prescribed authority specified in sub-rule (1) in

Form No.2, where the purpose for usage is irrigation and in Form No.3, where the purpose for usage is non-irrigation, accompanied by a fee of rupees 50(Fifty only) and rupees 200 (Two hundred only) respectively paid by means of a treasury challan remitted in the Head of Account "0701-80-Gen-other receipts – 103- sale of water for other purpose";

(3) On receipt of an application under sub-rule (2), the prescribed authority shall call for a detailed report from the Irrigation Officer within 30 days of such receipt and thereafter on the basis of the report, and after due enquiry, grant or refuse to grant license, by a speaking order, within 30 days of receipt of the report.

(4) The report of the Irrigation Officer, shall among other details, if any, contain the following details, namely:-

(a) whether the applied quantity (or any lesser quantity of water than applied for) would be available for usage for the purpose requested in the application through out the license period after ensuring that the riparian rights of the downstream stakeholders are satisfied based on hydrological data;

(b) whether any drinking water projects would be adversely affected if water is given; (c) whether any irrigation work would be adversely affected if water is given;

(d) whether the ecology, environment, or natural resources would be adversely affected if water is given;

(e) whether in his opinion, license to use water may be granted or refused in light of the above;

(f) if license can be granted upon complying with any special conditions, the conditions thereof;

(g) if license can be granted, the quantity of water that may be allowed to be used during different periods or spells of the license.

(h) if license should not be granted, the specific reasons thereof;

(i) if the application is for drawing water for irrigation purposes, whether the Irrigation Officer is satisfied upon verification that it is for bonafide irrigation purpose;

(5) Where license is desired to be issued, it shall be issued by the prescribed authority in the from given in Schedule II.

(6) The license shall be valid for a period of one year, subject to the terms and conditions of the license.

(7) The Irrigation Officer shall submit at the end of every three months after issuance of license, a report containing the details specified sub-rule (4), to the prescribed authority for taking a decision on the continuance of license to use water.

1. Substituted by G.O(P) No.1/2018/WRD dated 18th February, 2018, S.R.O No.125/2018.

(8) No fee shall be payable if the water is used for irrigation purpose subject to verification, satisfaction, and certification by the Irrigation Officer.

(9) The fee for usage of water for non-irrigation purpose shall be rupees 10 (Ten only).

(10) It shall be the duty of the Irrigation Officer to ensure that no person or agency

shall uses water from an irrigation work except in accordance with the Act, Rules and terms and

conditions of the license.]

7. *Constitution of committee and form and manner of appeal*-—(1) An appeal preferred under section 12 of the Act shall be submitted to the committee consisting of the following memb

(i) Director of Agriculture

(ii)Chief Engineer (Irrigation and Administration)

1[(iii) The Superintending Engineer under whose jurisdiction the irrigation work

falls.]

(2) Every appeal shall be submitted in the form of a memorandum setting forth concisely the grounds for appeal and shall be accompanied by the order in original or certified copy of the order passed by the Collector under sub-section (4) of section 10.

(3)The appeal memorandum shall be accompanied by a fee of rupees five hundred paid by means of treasury chalan.

2[(4) Appeal shall be disposed of by a decision agreed to by at least two members.

(5) Appeal shall be disposed of within 30 days from the date of its receipt.]

8. *Form of notice.*—The notice to be published by the Irrigation Officer

under sub-section (1) of section 19 of the Act, shall be in

9. *Form of undertaking.*— The undertaking to be obtained by the Irrigation

Officer from the land owner under sub-section (3) of section 19 of the Act shall be in Form No.5.

10.*Form of publication of statements showing lands benefited by the irrigation works.*— (1) The statement to be prepared by Irrigation Officer under sub-section (1J of section 20 of the Act shall be in

Form No. 6 and under sub-section (2) of section 20 of the Act shall be in Form No.7.

(2)An order passed under sub-section (5 ) of section 20 of the Act by the Tahsildar to the objector shall be communicated through registered post with acknowledgement due.

(3)Every appeal under sub-section (7) of section 20 of the Act shall be filed in the form of a memorandum setting forth clearly the grounds of appeal along with the original or a certified copy of me order appealed against and a fee of rupees one hundred to be remitted by means of treasury chalan.

1. Substituted by G.O(P) No.1/2018/WRD dated 18th February, 2018, S.R.O No.125/2018.

2. Inserted by G.O(P) No.1/2018/WRD dated 18th February, 2018, S.R.O No.125/2018.

11.*Issue of certificate.*— (1) The Tahasildar of the locality shall issue the certificate under sub-section (1) of section 21 of the Act in

Form No. 8.

(2)Any person aggrieved by the issue of or by any of the conditions in the Certificate may apply to the Revenue Divisional Officer for the cancellation or modification, as the case may be, of the certificate.

(3)On receipt of an application under sub-rule (2), the Revenue Divisional Officer may, after conducting an enquiry and after giving the owner an opportunity of being heard, for reasons to be recorded in writing, by order, cancel or modify or refuse to cancel or modify the order.

(4)Every appeal to the Collector under sub-section (5) of section 21 shall be in the form of a memorandum setting forth clearly the grounds of appeal along with the original or certified copy of the order appealed against along with a fee of rupees two hundred and fifty only to be remitted by means of treasury chalan.

(5)The application for the issue of the certificate under sub-section (7) of section 21 of the Act, shall be submitted to the Tahsildar within a period of 30 days from the date of the modified statement.

12.*Levy of irrigation cess.*— [1] [(1)The cess payable under sub-section (2) of section 23 shall be paid within a period of 60 days from the date of notification of the rate of cess by the Government By remitting the amount to the Village Officer having jurisdiction over the area.]

[2] [ (2) The rules applicable to the collection and remittance of land tax and recovery of land tax incase of default in payment /or remittance shall, mutatis mutandis, apply to the collection and recovery of irrigation cess.]

13 *Form of order*.—An order directing the defaulting owner to execute the portion of work under sub-section (2) of section 31 of the Act shall be in

Form No.9. The estimate of the work shall be prepared by the Irrigation Officer as per the approved Public Works Department data based on the current schedule of rates and contractor's profit may be excluded for this purpose.

14. *The manner of realizing cost from the defaulting owner.*—The Collector, or the Punja Special Officer or such other officer authorised by the Government, as the case may be, shall inform the actual cost of labour to the defaulting owner by means of a notice requesting him to remit the amount in the office of the Collector, or Punja Special Officer or such other officer authorised, as the case may be, within 60 days from the date of delivery of the notice. If the defaulting owner refuses or fails to remit the said cost amount within the time specified, the Collector shall initiate proceeding to realize the cost due from such defaulting owner in the same manner as if it were an arrear of public revenue due on land.

1. Renumbered by G.O(P) No.1/2018/WRD dated 18th February, 2018, S.R.O No.125/2018. 2. Inserted by G.O(P) No.1/2018/WRD dated 18th February, 2018, S.R.O No.125/2018.

15. *Constitution of the Committee of Padasekharam*.—(1) There shall be constituted 1[a Committee as specified in the Explanation to section 32 of the Act to be known as] "Padasekharam Committee" and all owners of the land within a padasekharam shall be members of the Committee.

(2) Every Padasekharam Committee shall have an Executive Committee consisting of the members specified in sub-rule (3) and the execution of all programmes of the Padasekharam. Committee shall vest with the Executive Committee.

(3) The Executive Committee shall consist of the following members, namely:—

(a) three members elected from -farmers owning riot more than 0.4 hectare of paddy field in the concerned padasekharam from among themselves;

(b) three members elected from farmers owning more than 0.4 hectare and not more than 2 hectares in the concerned padasekharam from among themselves;

(c) three members elected from farmers owning more than 2 hectare of paddy field in the concerned padasekharam from among themselves;

(d) the Agriculture Officer of the Krishi Bhavan having control of the concerned padasekharam shall be the *ex-officio* member;

2[(e) the Assistant Engineer of the Irrigation Department in whose jurisdiction the padasekharam falls;]

(4) The Executive Committee shall elect a Chairman, Vice-Chairman, Secretary and a Treasurer from among themselves.

(5) The Chairman, Vice-Chairman, Secretary and Treasurer of the Executive Committee shall be the Chairman, Vice Chairman, Secretary, and Treasurer of the respective Padasekharam Committee.

(6) The term of office of the Executive Committee shall be three years 3[from the date of its constitution or until a new committee is constituted as provided under clause(g) of sub-rule (10), whichever is later].

(7) The Executive Committee shall meet at least once in two months.

(8) The quorum for the meeting of the Executive Committee shall be one third of the total membership.

1. Inserted by G.O(P) No.1/2018/W 8, S.R.O No.125/2018.

2. Inserted by G.O(P) No.1/2018/WRD dated 18th February, 2018, S.R.O No.125/2018.

3. Inserted by G.O(P) No.1/2018/WRD dated 18th February, 2018, S.R.O No.125/2018.

(9) The casual vacancies shall be filled up through bye-election and the members so elected shall hold office for the remaining period,

(10) The election to the Executive Committee of a Padasekharam Committee shall be conducted by the Punja Special Officer 1[or in his absence, the Irrigation Officer] in the
following manner, namely:—

(a) The Committee shall meet at least 60 days prior to the date of expiration of its term and pass a resolution fixing the date, time and place for the conduct of the election to the new Committee. A copy of such resolution shall be submitted to the Punja Special Officer 2[or in his absence, the Irrigation Officer];

(b) The Punja Special Officer 3[or in his absence, the Irrigation Officer] shall,

on receipt of such a resolution, make arrangements to appoint an officer of the Agriculture Department as the Returning Officer and such other officers for the conduct of the election;
(c)The Returning Officer shall prepare a list of farmers belonging to the category specified in sub-rule (3) and the same shall be published in the notice board of the village office concerned and in two dailies having wide circulation in the locality, calling objections;

(d) The Returning Officer shall also specify therein the time within which the objections to the said list may be filed, the date on which the final voters list shall be published, the time and the place at which nomination paper shall be filed as to the scrutiny of such nomination paper, withdrawal of nomination etc. and the time and place of polling etc;

(e) The Returning Officer shall be competent to prepare the form of nomination paper and all other things for the proper conduct of the election;

(f) The list of elected members shall be published, as soon as may be, after the election and a copy of the list shall be affixed in the notice board of the village office concerned and published in two dailies having wide circulation in the area.

(g) If an Existing Committee do not take steps for the conduct of election, the Punja Special Officer shall take necessary steps for the conduct of election immediately after the term of the Existing Committee and the members shall continue until new Committee enters upon office.

1. Inserted by G.O(P) No.1/2018/WRD dated 18th February, 2018, S.R.O No.125/2018. 2. Inserted by G.O(P) No.1/2018/WRD dated 18th February, 2018, S.R.O No.125/2018. 3. Inserted by G.O(P) No.1/2018/WRD dated 18th February, 2018, S.R.O No.125/2018.

(11) Notwithstanding anything contained in this rule, the first Executive Committee shall be elected from a list of farmers published as stated in sub- rule (10).

16. *Functions of the Executive Committee.*— The Executive Committee shall perform the following functions, namely:—

(i)Prepare an action plan every year for the development of-paddy cultivation,

(ii)Closely monitor the execution of activities as envisaged in the action plan.

(iii)Undertake development activities for encouraging profitable paddy cultivation.

(iv)Ensure maximum utilization of resources in padasekharam for increasing paddy production.

(v)Maintain proper accounts of the income and expenditure of the funds of the Padasekharam Committee.

17. *Powers and duties of the Collector, Punja Special Officer or Officer authorised.*—1[The powers and duties under sections 31, 32 and 33 of the Act, authorized to be exercised under section 34 shall be exercised and performed by the Collector, the Punja Special Officer or the Irrigation Officer , as the case may be. In addition, they shall also supervise the work done by the Padasekharam Committee.]

18. *Realization of cost.*—(1) The Irrigation Officer shall inform the land owner who fails to comply with the notice under sub-section (2) of section 39 the actual cost of the repair by means of a demand notice and direct him-to remit the amount in the office of the Irrigation Officer within 60 days from the date of delivery of the notice.

(2) If the land owner refuses or fails to remit the amount specific in sub-rule (1) within the time stipulated therein, the Irrigation Officer shall report the matter to the Collector to initiate proceedings to realize the cost from such owned in the same manner as if it was an arrear of public revenue due on land.

1. Substituted by G.O(P) No.1/2018/WRD dated 18th February, 2018, S.R.O No.125/2018.

19. 1[*Issue of permit to fish in reservoirs.*— (1) Every person seeking previous

permission for fishing under sub-section (1) of section 42 of the Act shall submit an application in

Form No.9A, to the Irrigation Officer accompanied by a fee of rupees 100(Hundred Only) to be paid by means of a treasury chalan remitted in the Head of Account "0701-80-Gen-other receipts-103-sale of water for other purpose."

(2)On receipt of an application under sub-rule (1), the Irrigation Officer shall call for a detailed report from the Custodian Officer of the reservoir within 7 days of such receipt and thereafter on the basis of the report and after due enquiry he may grant or refuse to grant permit, by a speaking order within 7 days of receipt of the report.

(3) The report of the custodian officer shall among other details if any, contain the following details, namely:--

(a) whether fishing can be allowed during the period applied for;

(b) whether it is safe to allow fishing;

(c) whether the antecedents of the applicant allow issuance of the permit;

(d) whether the antecedents of the workmen engaged by the applicant for fishing allow issuance of the permit.

(e) whether the ecology, environment, or natural resources would be adversely affected.

(f) if permit should not be issued, the specific reasons thereof.

(4) Where permit is decided to be issued, it shall be issued by the Irrigation Officer, in the format given in Schedule III.

(5) The permit shall be valid for a period of thirty days, subject to the terms and conditions of the permit.

(6) The details of the permit holder and his workmen shall be recorded in the permit.

(7) It shall be the duty of the Custodian Officer to ensure that no person other than the permit holder and workmen of the permit holder as noted in the permit, are allowed to fish in the reservoir.

1. Substituted by G.O(P) No.1/2018/WRD dated 18th February, 2018, S.R.O No.125/2018.

(8) The number of persons who may be given permit for fishing and the area where each permit holder and his workmen may be allowed to fish shall be fixed by the Irrigation Officer in consultation with the Custodian Officer and specified in the permit.

(9) Where an application is rejected by the Irrigation Officer, the reasons thereof shall be informed in writing to the applicant.

(10). Where an application is rejected, the applicant may file an appeal before the Superintending Engineer under whose jurisdiction the reservoir falls, whose decision thereon shall be final.

1[19(A) *Issue of license for navigation in an irrigation work* – (1) Every person seeking license for navigation under section 43 shall submit an application in Form No.9B to the Chief Engineer, concerned under whose jurisdiction the irrigation work falls, accompanied by a fee of rupees 500 (Rupees Five Hundred only) to be paid by means of a Treasury Chalan remitted in the Head of Account "0701-80-Gen-other receipts-103-sale of water for other purpose."

(2) On receipt of an application under sub-rule(1) the Chief Engineer concerned shall call for a detailed report from the Superintending Engineer under whose jurisdiction the irrigation work falls within 30 days of such receipt and thereafter on the basis of the report and

after due enquiry, grant or refuse to grant license for navigation, by order, within 30 days of receipt of the report.

(3) The report of the Superintending Engineer shall among other details if any, contain the following details, namely:--

(a) whether it is safe to allow navigation for the purpose applied for;

(b) whether navigation can be allowed for the purpose applied for during the period specified in the application or if navigation for the purpose applied for can be allowed for a different period or periods, the reasons and details thereof may be stated;

(c) whether the vessel intended to be used for navigation satisfies the statutory prescriptions under the Inland Vessels Act, 1917 and the rules made thereunder as certified by the Coastal and Inland Navigation Department or Port Department.

(d) whether the safety of the vessel and the passengers are ensured and the details thereof;

1. Inserted by G.O(P) No.1/2018/WRD dated 18th February, 2018, S.R.O No.125/2018.

(e) whether the ecology, environment or natural resources would be adversely affected,

if navigation is permitted;

(f) whether pollution would be caused, if navigation is permitted;

(g) if license can be granted upon complying with any special conditions, the conditions thereof.

(h) if license cannot be granted, the specific reasons thereof;

(4) Where license is decided to be granted, it shall be granted by the Chief Engineer concerned under whose jurisdiction the irrigation work falls, in the format given in Schedule IV.

(5) The license shall be valid for a period of one year, subject to the terms and conditions of the license.

(6) It shall be the duty of the Superintending Engineer under whose jurisdiction the irrigation work falls, the Irrigation Officer and the Custodian Officer in the case of reservoirs, to ensure that navigation is not conducted in any irrigation work except under a license issued under the Kerala Irrigation and Water Conservation Act, 2003 and the rule made there under;]

20.*Levy of betterment contribution.*—(1) The authorized officer shall prepare

plans and estimate after an investigation is made in respect of land irrigated by the major irrigation

work. The previous publication of the proposals under sub-section of section 46 shall be in Form

(2) The authority authorized by the Government under section 4 of the Art may issue a demand notice directing the person concerned to remit the betterment contribution payable under section 46 of the Act in twenty equal annual instalments. The payment of the first instalment shall be made within a period of 30 days from the date of publication of the order by the Government under sub-section (4) of section 46 or from the date of the order revising the rate of betterment contribution under subsection (5) of the said section, as the case may be. The subsequent instalment shall be paid within the first week of the commencement of every financial year.

[1][(3) The betterment contribution shall be paid in a Government Treasury by Treasury Chalan under the Head of Account "0701-80-Gen-other receipts-103-sale of water for other purpose."]

21. *Registration of Farmers Association.*—(1) Every Farmers Association formed under section 49 of the Act, shall submit an application for registration before the Chief Engineer (Irrigation and Administration), Water Resources Department who shall be the Registering Authority for the purpose of sub-section (9) of section 49 of the Act.

1. Inserted by G.O(P) No.1/2018/WRD dated 18th February, 2018, S.R.O No.125/2018.

(2)The application for registration shall be accompanied by a bye-law duly approved by the Chief Engineer (Irrigation and Administration) which specifies the area of operation of the Association, rules and regulations of the Association, fee to be collected towards membership, the records to be maintained by the Association and the procedure for conducting audit of accounts and water budgeting.

(3)The bye-law of the Association shall be amended only with the previous sanction of the- registering authority.

(4)On receipt of an application under sub-rule (1), if the registering authority is satisfied that the Association is liable to be registered, he may register the same and issue a certificate in Form No, 11.

(5)An Association registered under this rule may collect an annual fee of rupees fifty per hectare from its members for carrying out its functions under the Act.

22. *Power to suspend or withdraw registration.*— If the Farmers' Association has failed to discharge the duties in accordance with the provisions of the Act or Rules, the Registering Authority may suspend or withdraw the registration granted under sub-rule (4) of rule

Provided that before suspending or withdrawing the registration, the concerned Farmers Association shall be given an opportunity of being heard in the matter.

[1][22A *Records to be maintained by Farmers Association*.—(1) Every Farmers Association shall maintain the following records, namely ---

(i) Register of meetings containing agenda, minutes, and decisions of general body and executive committee meetings;

(ii) Register showing details of water schedule including distribution, usage and monitoring;

(iii) Register of Accounts showing all receipts and expenditures;

(iv) Register of Assets;

(v) Register of Audit;

(vi) Register of Social Audit;

(vii) Register of members of the Association;

(viii) Register of office bearers of the Association with their designation;

(2) The competent authority appointed under sub-section(1) of Section 53 shall inspect the registers atleast once in every financial year;

(3) The Executive Committee may decide to maintain such other registers and records as may be found necessary.;]

1. Inserted by G.O(P) No.1/2018/WRD dated 18th February, 2018, S.R.O No.125/2018.

23.*Term of office and other conditions of service of the members of the Dam Safety Authority.*—(1) The term of office and other condition of service of the members of the Dam Safety Authority shall be as follows:—

1[(i)The term of office of the Chairman of the Authority shall be four years from
the date of assumption of office. The term of office of each member nominated by
the Government shall be normally four years from the date of his nomination
unless cancelled by the Government before the expiry of his term.]

(ii)The maximum age up to which a member can hold office shall be
2[71 years].

(iii)The pitting fee for the members shall be rupees five hundred per day. The Traveling Allowance and Daily Allowance shall be at the rate applicable to the Class I Officers of the State Government.

3[ The Chairman or any member nominated by the Government may, by writing addressed to the Chief Secretary, Government of Kerala, resign his office on any day during the term of office and the resignation shall take effect from a prospective date specified in the letter.]

24.*Staff of the authority.*— (1) The Government shall, in consultation with the Chairman of the authority appoint the personal staff of the Chairman as per the following pattern:

(1)Personal Assistant : One

(2)Confidential Assistant : One

(3)Driver : One

(4)Peons : Two

(2) 4[The personal staff of the Chairman may be appointed by deputation from similar categories from any service in the state or on payment of daily wages and other benefits as fixed by the State Government for similar categories. The other officers and staff shall be appointed on deputation basis from similar categories of officers and staff borne on the service of the Irrigation Department of the State Government. The appointment and terms and conditions of the appointment shall be as ordered by the Government from time to time.]

25. *Recovery of cost incurred by Government.—The* cost stipulated under sub-section (4) of section 62 of the Act shall be recovered as if it was an arrear of public revenue due on land.

26. *Budget.*-—The Authority shall prepare a budget for the next financial year showing estimated receipt and expenditure of each scheme relating to the administration before the first week of November each year in

Form No. 12 and forward the same to the Government in the first week of December.

27. *Accounts of the Authority.*— (1) The accounts of the Authority shall be maintained for each financial year. The Member Secretary of the Authority shall be responsible for the proper maintenance of the accounts and records of the Authority.

1. Substituted by G.O(P) No.1/2018/WRD dated 18th February, 2018, S.R.O No.125/2018. 2. Substituted by G.O(P) No.19/2020/WRD dated 12th November, 2020, S.R.O No.819/2020.

3. Inserted by G.O(P) No.1/2018/WRD dated 18th February, 2018, S.R.O No.125/2018.

4. Substituted by G.O(P) No.1/2018/WRD dated 18th February, 2018, S.R.O No.125/2018.

(2) Compilation of accounts arid preparation of accounts and budget shall be the responsibility of the Member Secretary of the Authority.

(3) Save as otherwise expressly provided in these rules, the provisions of the Kerala Treasury Code, the Kerala Financial Code, the Kerala Public Works Accounts Code, Stores Purchases Manual, other Departmental Manuals, standing orders or instructions applicable to departments of Government shall apply in all matters relating to drawal of funds, bill forms, meeting of expenditure, handling and maintenance of accounts, tendering of works, purchase of materials etc.

(4)The concerned officers shall exercise the administrative and financial powers, which are assigned to them by the Authority in relation to the purpose of carrying out the functions envisaged in the Act in the administration of the fund.

(5)All moneys received by the Authority or by any officer or employee of the Authority who have been authorized to receive in their official capacity shall be acknowledged and deposited into the Treasury in Form TR 5 without any delay. No portion of the amount collected shall be set apart for day-to-day expenditure.

(6)If the payment of arrears due to the Authority are received as cheque, an acknowledgement in Form No, 13 shall be given in the first instance. If the person tendering cheque demands payment receipt, the same shall be sent in his address after the cheque has been cleared and the proceeds thereof shall be credited to the Authority's fund.

(7)A cheque register in Form No. 14 to maintain a record of the receipts and realization of cheques shall be kept and it shall be inspected every month. A statement showing cheques outstanding at the commencement of the month, cheques received during the month, cheques realized during the month and cheques outstanding for realization with reason thereof shall be sent to the Member Secretary by the 15 of the months immediately following.

(8)The officer who realizes fees and arrears due to the Authority and remits the same to the Treasury or Bank to the credit of the Authority's fund shall maintain a remittance register in

(9)It shall be the responsibility of the Member Secretary of the Authority to ensure that the fees and arrears due to the Authority are promptly demanded, realized and credited to the Authority's fund. He shall maintain a [1][collection register in

Form No. 16] in respect of all amounts realized and credited to the Authority's fund. Besides, he shall also maintain a Demand, Collection and Balance Register in Form No. 17.

(10)The Member Secretary of the Authority shall submit a statement of amount realized and credited to the Authority's fund in each month to the Authority by the tenth of the month immediately following after verification of credits shown in the statement.

1. Substituted by G.O(P) No.1/2018/WRD dated 18th February, 2018, S.R.O No.125/2018.

(11)The Member Secretary shall prepare and furnish a list of officers authorized to withdraw money from the Authority's fund, to the Secretary, Water Resources Department and to the Accountant General (A&E/Audit).

(12)All officers of the Authority shall reply promptly to the orders and objections send by the Auditor letters, enquiries audit memorandum statements, etc. It shall be the responsibility of the Member Secretary to ensure that all audit objections relating to accounts of the Authority are satisfactorily and expeditiously answered. The officers may seek the assistance of the Member Secretary in settling audit objections.

(13) The Member Secretary may obtain returns for specific period from the concerned officer of the Authority regarding the pending audit objections with reasons for prudence.

(14)The Authority shall prepare and maintain a Register of movable properties as prescribed in the Kerala Financial Code. In this Register, separate pages shall be allotted item-wise for each property. The properties received by transfer from the Government shall also be included in the said Register.

(15)The details regarding the lands transferred from the Government or purchased or acquired by the Authority shall be entered in the land register in

(16)The Member Secretary shall enter the details regarding grants received by the Authority from Government, separately in a Register in

Form No. 19. Expenditure to be incurred from each type of grant shall be entered separately in this Register. The amount shall be expended as per the terms and conditions of the grant. The officers utilizing the grants allotted to each specific purpose shall furnish utilization certificate to the appropriate authorities through the Member Secretary. They shall also submit a quarterly statement showing opening balance of grants, amount received, amount utilized and the closing balance at the end of each period* to the Member Secretary. An annual statement of this type shall also be furnished to the Member Secretary.

(17)An attendance register recording the name of employees, designation, attendance, date of absence from duty, leave, date of coming late, shall be maintained at each office of the Authority. The preparation of salary bills in acquittance roll shall be on the basis of the office-wise attendance register The details as to period of work done, rate of pay and allowance, deduction from the amount of advance, Provident Fund contribution and other items and the net amount received shall be entered in the salary bill or acquittance roll. The bills shall be checked and passed before the amount is drawn from the Fund for payment. Recoveries which are payable to the Government or Non-Government agencies shall be collected in cash and remitted to the concerned. As far as practicable, salary to officers may be disbursed by cheques. At the time of disbursement the requisite revenue stamps in the column provided in the salary bill or acquittance roll shall be affixed and the signature with date of the employee shall be recorded on it.

(18)All the drawing and disbursing officers of the Authority shall furnish the statement of accounts of the respective month to the Member Secretary at least before the 10”1 of

the succeeding month. On receipt of the monthly accounts, the Accounts Wing of the Authority shall examine and consolidate the accounts before 25th of that month.

(19) An annual statement of accounts in Form No. 20, along with income

and expenditure statement and balance sheet shall be prepared and forwarded to the auditor within 30th

June of each year. The account shall show the receipt and expenditure of each scheme.

(20) The Authority shall appoint a Chartered Accountant to audit its accounts and the accounts as audthited, together with the report, shall be forwarded to the Government before the 30th September of every year. .

(21) The accounts furnished as certified by the Auditor with the audit report annexed thereof shall be laid before the Legislative Assembly.

28. *Annual report of the Authority.* —(1) The Authority shall prepare for

every financial year a report based on its activities under the Act and submit the same to the

Government before the 30th June of the succeeding year and the Government shall cause the

same to be laid, as soon as possible before the Legislative Assembly.

29.*Recovery of costs from convicted person.*—The cost incurred by the Irrigation Officer for carrying out the work shall be recovered from the convicted persons under section 73 of the Act, as follows:—

(i) The Irrigation Officer shall issue a demand notice to the convicted persons to remit the cost incurred by the Irrigation Officer;

(ii) Where the convicted person refuses or fails to remit the amount within the time specified in the demand notice, the Irrigation Officer shall report the matter to the Collector with a request to recover the amount from the assets of the convicted persons under the provisions of the Kerala Revenue Recovery Act, 1976 as amended from time to time.

30. *Notice of entry and inspection etc.*—Every notice under sub-section (1) of section 81 shall be issued in Form No, 21.

31. *Payment of compensation.*— For the purpose of sub-section (5) of section 81 the officer referred to in sub-section (1) or sub-section (2) of section 81 shall assess the quantum of damage caused to the owner based on the prevailing market rates and determine the amount of compensation payable to the owner and the amount shall be paid to the owner by means of cheque..

32. *Appeal to Government.—Every* appeal under sub-section (3) of section 85 of the Act shall be filed in the form of a memorandum setting forth clearly the grounds of appeal along with the original certified copy of the order appealed against with a fee of rupees one hundred only, to be remitted by means of treasury chalan [1][in the Head of Account "0701-80-Gen Other receipts – 103- sale of water for other purpose" within thirty days of receipt of the order.]

33. *Appointment of non-officials to the Water Management and Utilization Board,—The* non-officials to be appointed as members under section 90 shall be those persons who have experience pr expertise in the field of irrigation and water conservation.

1. Inserted by G.O(P) No.1/2018/WRD dated 18th February, 2018, S.R.O No.125/2018.

**WATER RESOURCES DEPARTMENT**

**FORMNo. 1**

**[See rule 3 (1)]**

**Application for permission for the abstraction of water under section 4 of the Kerala Irrigation and Water Conservation Act, 2003**

To

The.....

1.Name of applicant :

2.Place of residence and address :

3.Purpose with details :

4.Name of water course :

5.Location of abstraction and :

mode of abstraction

6.Quantity of water to be drawn :
7.Period of drawal :
8.Amount paid :
9.Chalan No and Date. :

I/We declare that I /We shall abide by the terms and conditions for the abstraction of water.

Place:

Date: *Signature of the applicant*.

**WATER RESOURCES DEPARTMENT**

**FORMNo.-2**

**[*See* rule 6 (2)]**

**Application for license under section 9 of the Kerala Irrigation and Water Conservation Act, 2003 or usage of water for irrigation purpose**

The.....

District.....

1.Name of applicant :
2.Father's Name :
3.Place of residence and Address :
4.Purpose :
5.Location of abstraction (Village, Taluk, District) and mode of abstraction . : : :
6.Name and details of irrigation work : :
7.Quantity of water allowed to be drawn

I do hereby declare that I shall abide by the terms and conditions of the license.

Place:

Date: Signature of applicant.

**For Office Use**

Issued licence/Rejected vide order No.....dated...../

Rejected vide order No .....dated..... (Reasons to be stated)

*Dated Signature of the issuing authority*.

(Office Seal)

**WATER RESOURCES DEPARTMENT**

**FORMNo. 3**

**[*See* rule 6 (3)]**

**Application for License under section 9 of the Kerala Irrigation and Water Conservation Act, 2003 for usage of water for non-irrigation purpose**

1.Name of applicant :

2.Fathers name :

3.Place or residence and address :

4.Purpose :

5.Location (Village, Taluk, District) from where water is intended to be drawn/used :

6 Quantity of water intended to be drawn/used :

7.Quantity of water allowed to be drawn :

8.Mode of drawal of water. :

9.Period of drawal or use . :

10.Location were water is used :

11.Amount Paid :

12.Chalan No. and Date :

I do hereby declare that I shall abide by the terms and conditions of the license.

Place:

Date: *Signature of the applicant*

**For Office Use**

Issued license/Rejected vide Order No.....dated.....

(Seal) *Dated Signature of the issuing authority*

**WATER RESOURCES DEPARTMENT**

**FORMNo. 3A**

**[*See* rule 5A (2)]**

**Application for permission to construct, install, fix or lay any structure over, across, along, or inside an irrigation work under section 5 of the Kerala Irrigation and Water Conservation Act, 2003**

1.Name of applicant :

2.Fathers name :

3.Place or residence and address :

4.Purpose :

5.Location (Village, Taluk, District) :

6 Name and details of irrigation work :

7.Details of the structure including plans, drawings, estimated cost of construction etc :

8.Amount Paid :

9.Chalan No. and Date :

I do hereby declare that I shall abide by the terms and conditions of the license.

Place:

Date: *Signature of the applicant*

**For Office Use**

Issued license/Rejected vide Order No.....dated.....

*Dated Signature of the Chief Engineer*
*Irrigation and Administration*

**WATER RESOURCES DEPARTMENT**

**FORMNo. 4**

**(*See* rule 8)**

**NOTICE**

Whereas it has been decided to start the work of field channel namely..... ..... , the following statement is published as required under sub- section (1) of section 19 of the Kerala In'igation and Water Conservation Act, 2003.

a.Alignment details like length etc.

b.Hydraulic particulars like discharge, ayacut etc.

1.Nature of work

2.Proposed amount

The owners of land must intimate the undersigned within one month from the date of service of the notice whether they desire to carry out the work by themselves. If so, they may submit an undertaking in Form No. 5 within 30 days.

Place:

Date :

*Irrigation Officer.*

**WATER RESOURCES DEPARTMENT**

**FORM No. 5**

**(See rule 9)**

**UNDERTAKING**

I/We..... am/are the land owner/ owners of the land having an extent of ..... ..... area in survey numbers..... of.....village..... taluk ..... district hereby agree to carry out the work of field channel namely. ..... as per the directions of the Executive Engineer, Irrigation division..... .....I/We hereby undertake to carry out and complete the work at my own/our cost on or before .....

Place: Signature of the Land owner/owners

Date: with name and address.

Witness:

(1)

(2)

**WATER RESOURCES DEPARTMENT**

**FORM No. 6**

**STATEMENT**

***[See* rule 10 (1)]**

Name of Irrigation Work:.....

*Land Benefited or capable of being benefited*

| *Nature of crop cultivated or proposed to be cultivated* | *General pattern of cropping adopted or proponed to* | | |
|---|---|---|---|
| (1)Name of land holder<br>(2)Taluk<br>(3)Village<br>(4)Sy. No.<br>(5)Class<br>(6)Extent H.A. Sq.M. | | (7) | (8) |

Place :

Date :

*Irrigation Officer.*

To

Tahsildar

**WATER RESOURCES DEPARTMENT**

**FORM No. 7**

**STATEMENT**

***[See* rule 10 (1)]**

**Name of Irrigation work commissioned partly or fully before the commencement of the Act**

Name of the Irrigation work .....

| *Land Benefited or capable of being benefited* | *Nature of crop cultivated or proposed to be* | *General pattern of croping adopted or proposed to be adopted* |
|---|---|---|
| (7) Name of land holder<br>(8)Taluk<br>(9) Village<br>(10) Sy. No.<br>(11) Class<br>(12) Extent H. A Sq.M. | (7) | (8) |

Place :

*Irrigation Officer.*

Date :

To

Tahsildar

**WATER RESOURCES DEPARTMENT**

**FORM No. 8**

**CERTIFICATE**

**[See Rule 11 (1)]**

Under section 21 of the Kerala Irrigation and Water Conservation Act, 2003, it is hereby certified that the landholder mentioned below holds the under mentioned area of land of crops cultivated therein. He/She is liable to pay the annual irrigation cess levied under sub-section (1) of section 23 of the Act.

| *Name of the holder (Taluk, Village)* | *Class* | *Taluk* | *Village* | *Sy.No* | *Extent H. A* | *Name of crop cultivated* | *Name of irrigation work* | *Remarks* |
|---|---|---|---|---|---|---|---|---|
| (l) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | | | | | | | | |

Place:

Date :

*Tahsildar*

(Seal)

**WATER RESOURCES DEPARTMENT**

**FORMNo. 9**

**(See rule 13)**

**ORDER**

Whereas Sri/Smt ..... being a defaulting owner under section 31 of the Kerala Irrigation and Water Conservation Act, 2003 and whereas .....

..... being the authorized officer, do hereby order that Sri/Smt ..... shall execute the portion of the work specified below within a period of ..... months/days failing which the estimate cost of the work of Rs.....(Rupees) ..... based on the current Public Works Department schedule of rates shall be recoverable from you.

*Details of the perform of work to be executed:*

Place:

Date : *Irrigation Officer*

(Seal)

**WATER RESOURCES DEPARTMENT**

**FORMNo. 9A**

**[*See* rule 19 (1)]**

**Application for permission fish under section 42 of the Kerala Irrigation and Water Conservation Act, 2003**

1.Name of applicant :

2.Fathers name :

3.Place or residence and address :
4.Name of reservoir in which :
fishing is intended
5.Details of workmen engaged :
by the applicant for fishing
6 Period during which fishing is :
intended to be conducted
7 Amount Paid :
8 Chalan No. and Date :

I declare that I shall abide by the terms and conditions of the permit.

Place:
Date: *Signature of the applicant*

**For Office Use**

Issued permit/Rejected vide Order No.....dated.....

*Dated Signature of the authority*

**WATER RESOURCES DEPARTMENT**

**FORMNo. 9B**

**[*See* rule 19A(1)]**

**Application for license under section 43 of the Kerala Irrigation and Water Conservation Act, 2003 for navigation in an irrigation work**

1.Name of applicant :
2.Fathers name :
3.Place or residence and address :
4.Name and details of irrigation :
work where navigation is proposed
to be conducted
5.Purpose :
6 Whether the vessel has satisfied all :
the relevant conditions in the Inland
Vessels Act,1917 and the Kerala Inland
Vessels Rules, 2010
7 Details of registration and other orders :
permitting navigation of the vessel
8 Amount Paid :
9 Chalan No. and Date :

I do hereby declare that what is stated above is true to the best of my knowledge and belief and that I shall abide by the terms and conditions of the license.

Place:
Date: *Signature of the applicant*

**For Office Use**

Issued permit/Rejected vide Order
No.....dated.....

*Dated Signature of the authority*

**WATER RESOURCES DEPARTMENT**

**FORM No. 10**

**NOTICE**

***[See* rules**

**20(1)]**

Whereas it has been decided to levy a betterment contribution in respect, of ..... (here enter name of work). Any person concerned who has any objection or suggestion to offer regarding entries in the table below may file the same with .his/her signature before the undersigned within 30 days of the publication of this notice in the Gazette.

| 1. | *Dry lands which are likely to be benefited* | *Sl No.* | *Area* | *Gross annual Income per hectare* | *Settlement Tharam* |
|---|---|---|---|---|---|
| 2. | Single crop wet lands | | | | |
| 3. | Double crop wet lands | | | | |
| 4. | Other lands | | | | |

Place: *Signature*

Date : *Designation*

**WATER RESOURCES DEPARTMENT**

**FORM No. 11**

**[*See* rule 21 (4)]**

**REGISTRATION CERTIFICATE**

No.

..... ..... Farmers' Association at ..... having Register number ..... of ..... District is hereby recognized as the agency for promoting irrigation activities in the area mentioned below.

Area

*Chief Engineer (Irrigation & Administration) Water Resource Department*

Place:

Date;

(Seal)

WATER RESOURCES DEPARTMENT

FORM No. 12

*(See* rule 26)

THE KERALA DAM SAEETY AUTHORITY

Budget Estimate for the year .....

| *Accounts for the year* | *Budget Allocation for the previous year (as revised if* | *Actual expen-diture from 1/4 to 31/12* | *Anticipated expenditure for the period from 1/1 to 31/3* | *Total of column 3&4* | *Budget estimate for the current year* | *Remarks* |
|---|---|---|---|---|---|---|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) |
| | | | | | | |

Place:
Date:

(Seal)

*Chairman*

**WATER RESOURCES DEPARTMENT**

**FORMNo. 13**

**[See rule 27 (6)]**

**THE KERALA DAM SAFETY AUTHORITY**

Date:.....

Received from ..... by cheque No .. dated for Rs ..... (Rupees) ..... ..... drawn by.....on ..... Bank subject to realisation.

*Signatur e*
*Designa tion*

(Seal)

| | | | |
|---|---|---|---|
| | | | *Sl.No* |
| | | | *Date* |
| | | | *Particular of cheques received* |
| | | | |
| | | | *Date* |
| | | | *Amount* |
| | | | *Bank on which drawn* |
| | | | *Details of account* |
| | | | *No & date of acknowledgement* |
| | | | *Date of entry in cash book* |
| | | | *Folio page of cash book* |
| | | | *Date of remittance to Treasury book* |
| | | | *Date of clearance and credit in the treasury Accounts of the authority* |
| | | | *Remarks* |
| | | | *Signature of Officer* |

**WATER RESOURCES DEPARTMENT**

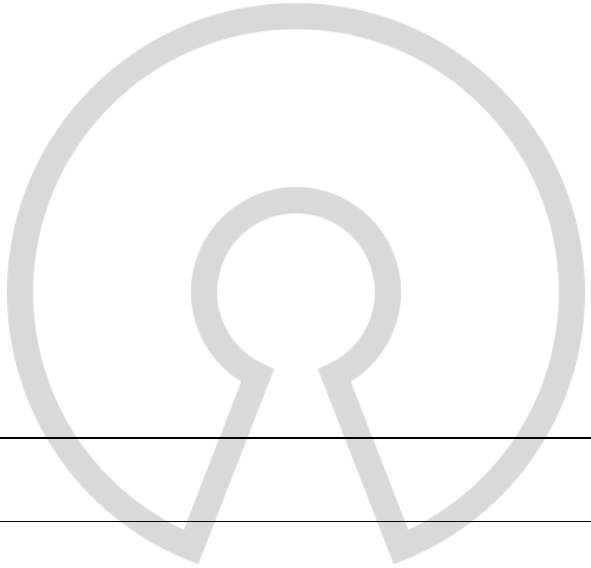
**FORM No. 15**

**[See rule 27)8)]**

**ISTER**

| Date of remittance | On what account (Name of receipt of particulars of the amount shall be | Amount | Head of Account or remittan |
|---|---|---|---|
| 1 | 2 | 3 | 4 |
| | | | |

28



| | |
|---|---|
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

**WATER RESOURCE DEPARTMENT**

**FORM No. 19**

**[See rule 27 (16)]**

**REGISTER OF GRANTS**

**Major Head**

**Minor Head**

**Sub Head**

**Nature of grant**

**Year**

**Conditions of grant**

| *Sanction of order No. and date* | *Date of drawl of grant* | *Amount* | *Details of expenditure incurred* | | | | *Balance of at the end of the year* | *Signature of officer* |
|---|---|---|---|---|---|---|---|---|
| | | | Month | Vr. No | Date | Amount | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | | | | | | | | |

*Note: Each category of grant received should be accounted in separate pages.*

**WATER RESOURCES DEPARTMENT**

**FORM No. 20**

**[See rule 27 (19)]**

**THE KERALA DAM SAFETY AUTHORITY**

**ANNUAL STATEMENT OF ACCOUNTS FOR THE CURRENT YEAR PART I**

**GENERAL REVENUE ACCOUNT**

**RECEIPT ACCOUNT**

| *Head of account* | *Actual receipt with previous year* | *Budget estimate for current year* | *Revised budget estimate for current year* | *Actual amount received for current year* | *Remarks* |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |

| | | | | | |
|---|---|---|---|---|---|
| | | | | | |

**PART II**

**CAPITAL ACCOUNT**

**PART III**

**DEBIT SUSPENSE ACCOUNT**

**WATER RESOURCE DEPARTMENT**

**FORM No. 21**

**(See rule 30)**

**NOTICE**

[for investigation/inspection/test/examination/survey/measurement provided under sub- section (1) of section 81 of the Act]

| *Name of work* | *Village/Villages in which land lies* | *Class of land* | *Survey No. of other particulars of the lands comprising the class of land in column (4)* | *Extent of land mentioned in column (4)* | *Remarks* |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| | | | | | |

Notice is hereby given that the land mentioned above is proposed for executing irrigation work and that it is proposed to be inspect/tested/examined/measured by me on the date and time specified below.

Time:
Date:

Deputy Tahasildar/ AE

WRD

By order of the Governor
K.J Mathew

Principal Secretary to Government

1[Schedule 1

AGREEMENT

[*See* rule 3]

This AGREEMENT is executed on this the ……..…… day of ……. BETWEEN …….

Sri……( here enter name, age, and address of the applicant)(hereinafter referred to as 'the applicant', which shall include his heirs, successors, and assigns) AND the Governor of Kerala, represented by the Chief Engineer (Irrigation and Administration), Thiruvananthapuram (which shall include his successors in office) (hereinafter referred to as the 'Government');

Whereas the applicant has requested the Government for a permit to draw ……

$m^3$/day of water from the …….. (here enter name of Irrigation Work) in accordance with the Kerala Irrigation and Water Supply Act, 2003 and the rules made thereunder.

AND Whereas, subject to the limitations provided therein, section 3 of the Act, among other things, provides that the water courses and water in such water course shall be the property of Government and the Government shall be entitled to conserve and regulate the use of such water courses and the water in all those water courses for the purpose of irrigation and the generation of electricity and for matters connected therewith or for both.

AND Whereas, sub-section(1) of section 4 of the Act, among other things, provides that save as provided in the Act, no person or agency shall abstract water from a water course by installation of any mechanical or electrical device, the capacity of which in the aggregate, is more than five horse power, or any hose, pipe or other similar device, or by any other means except with the previous permission of the officer authorized by the Government in this behalf within whose jurisdiction such device for abstraction of water is installed and subject to such terms and conditions and on the payment of such fees as may be prescribed.

AND Whereas, the officer authorized by the Government under section 4 of the said Act has, vide Order No……., accorded permission to the applicant to draw ……. $m^3$ of water from the …….. upon the following terms and conditions.

Now, this agreement witnesses, and the parties hereto mutually agree, as follows:----

1. Inserted by G.O(P) No.1/2018/WRD dated 18th February, 2018, S.R.O No.125/2018.

1. The Kerala Irrigation and Water Conservation Act, 2003 and the rules made thereunder (hereinafter referred to as the 'Act and Rules') shall govern this Agreement, except the conditions herein after appearing.

2. This agreement shall be valid from ……..…… to ……..…….. .

3. The Government shall be entitled to fix a level beyond or beneath which water shall not be abstracted by the applicant. The Government shall also be entitled to direct the applicant to reduce or stop the abstraction of the agreed quantity of water allowed to be abstracted, in public interest, at any time during the currency of this agreement period with due notice and the applicant shall duly abide by such directions at all times.

4. The applicant shall install at his cost such devices, structures and water measuring equipment for assessing the exact quantity of water abstracted, at such place or places as per plan, design, drawings etc. (hereinafter referred to as the project) as directed by the Government in writing. Abstraction of water shall be started only after compliance of these conditions as certified by the Irrigation Officer. This agreement is executed only after compliance of this condition.

5. Subject to the above and subject to the other conditions hereinafter appearing, the applicant is permitted to draw ……. $m^3$ of water per day from the date of remittance of

the fees payable for the water and after execution of this agreement.

6. The applicant shall utilize the water only for the purpose for which it was allowed to be abstracted. The applicant shall at all times be liable to prove the utilization to the Irrigation Officer or such officers authorized by the Government.

7. The applicant shall maintain such registers as directed to be maintained by the Government indicating the amount of water drawn every day and the meter readings for verifying the quantity of water drawn.

8. The applicant shall also maintain such other registers as directed to be maintained by the Government.

9. The Government or the Irrigation Officers under the Act and such other officers authorized by the Government shall inspect or cause to inspect the registers referred in clauses 7 and 8 above at all times and certify its correctness. Such inspection shall be conducted regularly but not less than once in a week to ensure compliance of the conditions in this agreement. All directions given by the Government or Irrigation Officer or authorized officers of the Government at the time of inspection or after such inspection shall be duly complied with by the applicant within the time specified, without fail.

10. The Government or the Irrigation Officer or the officers authorized by the Government shall be entitled to and have the powers to inspect the water abstraction arrangements or projects at any time with or without notice and the applicant shall facilitate such inspection without raising any objections, claims or demands. All or any directions given to the applicant during or after such inspection shall be duly complied with by the applicant within the

period and time specified in the direction without fail.

11. The applicant shall ensure at all times that the natural flow of water, its utilization by the general public and navigation through it are not hindered or affected in any manner. The question whether any hindrance or effect has occurred shall be determined by the Government with due notice to the Company. In the event of determination that any hindrance or effect has occurred, the applicant shall take such steps as required by the Government to remove the hindrance or rectify the effect within the time specified failing which the Government shall terminate the agreement and take appropriate steps to remove the hindrance or rectify the effect at the risk and cost of the applicant.

12. If at any time, the Government decides to conduct any activity in the water course in public interest and if it is found that the abstraction of water is a hindrance for such activity, the Government shall give due notice to the applicant of its decision and thereupon it shall be the duty and responsibility of the applicant to remove the hindrances at his cost and in such manner as directed by the Government.

13. The execution of this agreement is not an assurance or the liability of the Government to ensure abstraction of the quantity of water allowed to be abstracted. The continuance of the agreement would be determined by the rules contained in rule 3. In the event the applicant is not complying with the direction within the specified time in the notice, the Government may terminate the agreement and take such steps or action to remove the hindrance at the risk and cost of the applicant.

14. The prescribed fees for abstracting water i.e. Rs. …… shall be remitted in lump by the applicant in a Government Treasury in the Head of Account ……. within 15 days of execution of this agreement. However, the applicant shall also agree to pay such enhanced fees as may be prescribed from time to time during the currency of this agreement. Upon notice, the applicant agrees to remit such enhanced amount from the date specified in lump.

15.The applicant shall not draw water in excess of the agreed quantity. Where it is found that applicant has abstracted more than the agreed quantity, he shall be liable to pay two times the fees fixed, for each day from the date of starting of abstraction of water to the date of abstracting excess quantity.

16. The actual amount due to or payable to Government by the applicant under the Act and Rules shall be finalized within three months after expiry of this agreement. Upon notice,

the amount so assessed shall be payable by the applicant within fifteen days. Any amount, if payable by Government shall be paid immediately on receipt of funds from the Government of Kerala, but it shall be paid before the end of the financial year in which the agreement expires. Any delay in payment of such amounts shall entail penal interest @12% per annum on such amount after the time limit fixed for the payment.

17. The company shall remit 5% (five percent) of the above stated tentatively assessed total fees as security deposit in a Government Treasury under the Head of Account …….. towards due performance of the terms and conditions of this agreement. The amount remitted shall not fetch any interest. In the event of breach of any of the terms of this agreement, apart from terminating the contract the whole of the security deposit shall be forfeited to Government. The security deposit or the balance of the security deposit if any to be paid shall be repaid to the applicant after termination of this agreement and immediately on receipt of funds from the Government but however before the end of the financial year in which the agreement expired.

18. Where it is found that the applicant has abstracted more than the agreed quantity of water on any day, during the currency of this agreement, apart from treating it as a violation of the terms of the agreement, for which of the agreement is liable to be terminated. However, the Government of Kerala may by order condone the violation and permit the applicant to continue the water abstraction on payment of a penalty equal to two times the fees for abstraction for each day's violation from the date of starting of abstraction to the date of violation.

19. Any amount due to Government under the agreement shall be recoverable from the security deposit or the fees paid and if this amount remains insufficient, by exercising the powers under the Kerala Revenue Recovery Act as if such dues were public revenue due on land or under any law for the time being in force, at the discretion of the Government.

20. Though the validity of the period of this agreement has been fixed upto ……., the Secretary to Government, Water Resources Department, Government of Kerala on behalf of the Governor of Kerala, may, in public interest or for violation of any of the terms of this agreement, direct the second party to terminate this agreement with effect from such date as may be directed. The applicant hereby agree to terminate the contract accordingly without raising any claim on such direction.

21. This agreement shall, unless extended beyond …… by executing a fresh agreement, be deemed to have been terminated on…….. midnight. The applicant shall thereafter stop abstracting water from .....….. midnight. The applicant shall abstract water thereafter only after executing a fresh agreement with the Government upon the same conditions or further or amended conditions as determined by the Government of Kerala.

22. In the event of violation of any of the terms of this agreement, either party shall have the right to terminate this agreement after due notice of one month.

23. In the event of termination of the agreement, or non-execution of fresh agreement as agreed above, the applicant shall remove all the structures, equipment, devices, pipes, appliances and the like which were used for the project from the place or area or site within a period of one month. Such removal shall be done under the supervision, direction and approval of the second party. The area or place or site utilized for the project shall be handed over back to the second party under proper acknowledgment. A certificate towards this effect shall be issued by the second party after such removal by the applicant. In the event of non -removal by the applicant within the time limit specified above, the second party shall remove the same at the risk and cost of the applicant.

24. All disputes arising out of this agreement may be referred to the Secretary to Government, Water Resources Department, Government of Kerala who shall take a decision on the dispute, within thirty days of such reference, in accordance with the procedure determined by him. Such decision of the Secretary to Government on the dispute shall be final and binding on both the parties.

In WITNESS WHEREOF THE PARTIES,

Sri……..... and

Sri/Smt…….. have set their hands on the day, month and year first above written.

Signed by…… In the presence of witness:

Signed by…… In the presence of witness:

| | | | |
|---|---|---|---|
| 1) | Signature<br>Name:<br>Designation: | 1) | Signature<br>Name:<br>Designation: |
| 2) | Signature:<br>Name:<br>Designation: | 2) | Signature:<br>Name:<br>Designation: |

SCHEDULE II

LICENSE

[See section 9 & rule 6]

This License is granted to ……..….. (Here enter name and address of the applicant) for using …… quantity of water from …… (here enter name of irrigation work) for

…….. purpose from

……to…… (here enter period) upon the following terms and conditions:-

**Terms and Conditions**

1. The Kerala Irrigation and Water Conservation Act, 2003 and the rules made thereunder (hereinafter referred to as the 'Act and Rules') shall govern this License except for the conditions herein after appearing.

2. The quantity of water that may be given for usage shall be fixed by the Irrigation Officer in accordance with the rules.

3. The Irrigation officer shall fix the places and points from which water may be drawn and the devices including their make, nature and descriptions through which water may be drawn for usage by the licensee.

4. The licensee shall install in his land or in Government land, if permitted, at his cost such devices, structures and water measuring equipment having valid calibration certificate, for assessing the exact quantity of water used to at such place or places as directed by the Irrigation Officer, in writing.

5. The fees towards cost of water, security deposit and such other fees, if any, as notified shall be deposited by the applicant in the manner hereinafter provided.

6. Water shall be used only after compliance of conditions 4 and 5, as certified by the Irrigation Officer. The fact of compliance and details thereof shall be reported by the Irrigation Officer to the Government.

7. Notwithstanding the above conditions, the prescribed authority or the Irrigation Officer or any of the officers authorized by the Government or with the concurrence of the Government, shall be entitled to direct the licensee to reduce or stop the usage of the agreed quantity of water allowed to be used in public interest from any time of a date or for such periods during the currency of the license with due notice and the applicant shall duly abide by such directions at all times, without raising any claims or objections. The cost of water used at appropriate rates and difference, if any, due to reduced cost (for the reason of change in slab if that occurs) would be refunded to the licensee within three months after the expiry of the license. Where the license is extended, such amounts shall be adjusted against future payments.

8 The licensee shall utilize the water only for the purpose for which it was allowed to be used. The licensee shall at all times be liable to prove the utilization of water to the Irrigation Officer or such officers authorized by the Government. The Irrigation Officers or the officers authorized by the Government shall at all times be entitled to verify the utilization of the water and take appropriate steps in accordance with this license. Any change in the utilization other than for that permitted will result in termination of this license with immediate effect. The requirement of one month notice specified in clause 28 will not be applicable in such cases. The security deposit will be forfeited to the Government account. Apart from the above, the cost of

water would be calculated at twice therate fixed in this license for the agreed quantity ofwater from the date of commencement of this license to the date of cancellation of this license. Such amount shall be remitted within the time specified failing which it would be recovered in terms of this license.

9. The prescribed authority or the Irrigation Officer or such other officers authorized by the Government shall be entitled to verify whether water has been utilized for any purpose other than for which it was allowed to be used.

10. The licensee shall maintain such registers as directed to be maintained by the prescribed authority indicating the amount of water used every day and the meter readings for verifying the quantity of water used.

11. The licensee shall also maintain such other registers as directed to be maintained by the prescribed authority.

12. The Irrigation Officer shall also maintain a register wherein meter readings and directions given to the licensee will be recorded under the acknowledgement of the licensee.

13. The prescribed authority or the Irrigation Officer or such other officers authorized by the Government shall inspect or cause to inspect the registers referred in clauses 9, 10 and 11 above at all times and certify its correctness and compliance.

14. The prescribed authority or the Irrigation Officer or such other officers authorized by the Government shall inspect or cause to inspect the devices, structures and water measuring equipment and registers specified in clauses 9, 10 and 11 above for assessing the exact quantity of water used. Such inspections shall be conducted regularly but not less than once in two weeks to ensure compliance of the conditions in this license. Such inspections may be conducted at any time with or without notice and the licensee shall facilitate such inspection without raising any objections, claims or demands. All directions given by the prescribed authority or Irrigation Officer or officers authorized by the Government at the time of such inspection or after such inspection shall be recorded in the register specified in clause 11 above and duly complied with by the licensee within the time specified without fail.

15. The licensee shall ensure at all times that the natural flow of water, its utilization by the general public and navigation through it are not hindered or affected in any manner. The question whether any hindrance or effect has occurred shall be determined by the prescribed authority or the Irrigation Officer or such other officers authorized by the Government with due notice to the licensee. In the event of determination that any hindrance or effect has occurred, the licensee shall take such steps as required in the notice to remove the hindrance or rectify the effect within the time specified failing which the license shall be terminated and appropriate steps will be taken to remove the hindrance or rectify the effect at the risk and cost of the licensee.

16. If at any time the prescribed authority or the Irrigation Officer or such other officers authorized by the Government decides to conduct any activity in the irrigation work in public interest and if it is found that the water usage is a hindrance for such activity, the prescribed authority or the Irrigation Officer or such other officers authorized by the Government shall give due notice to the licensee of its decision and thereupon itshall be the duty and responsibility of the licensee to remove the hindrances at his cost in such manner as directed by the prescribed authority or the Irrigation Officer or such other officers authorized by the Government. In the event of licensee not complying with the direction within the specified time in the notice, the license may be terminated and action taken to remove the hindrance at the risk and cost of the licensee.

17. The granting of this license is not an assurance or the liability of the Government to ensure granting of the quantity of water allowed to be used. The sustenance of this license is subject to clause 7 a s and conditions of this license.

18. No fees shall be payable where the water is used for irrigation purpose. Accordingly, clauses in this license relating to payment of fees and charges shall not be applicable to such license.

19. The cost of water and security deposit where water is used for non- irrigation purposes shall be calculated in the following manner:-

## Cost of water

A. For .0001$m^3$ to 1000$m^3$ per day = Rs……..…/$m^3$ (2 times the rate fixed for water abstraction)

B. For 1001$m^3$ to 3000$m^3$ per day = Rs……..…/$m^3$ (2 times of rate A)

C. For 3001$m^3$ to 6000$m^3$ per day = Rs……../$m^3$ (3 times of rate A)

## Security Deposit ------ 5% of the cost of water

20. The amount fixed on the basis of the above for the period from ……to……i.e.Rs……(Rupees.....Only) shall be remitted in lump by the licensee in a Government Treasury in the Head of Account ……. within 15 days of granting of this license. The licensee also agrees to pay such enhanced fees as may be prescribed by the Government of Kerala from time to time during the currency of this license. Upon notice, the licensee agrees to remit such enhanced amount in lump from the date specified.

21. The licensee shall remit the security deposit as assessed by in the form of term deposit pledged in favour of the Irrigation Officer towards due performance of the terms and conditions of this license. In the event of violation of any of the terms of this license, apart from terminating the license, the whole of the security deposit shall be forfeited to Government account. The security deposit or the balance of the security deposit, if any to be paid, shall be repaid to the licensee within three months after expiry of this license. Where the license is extended, the difference of security deposit amount calculated shall be remitted in the manner specified above.

22. The licensee shall not use water in excess of the agreed quantity. Where it is found during successive inspections (once in two weeks) that the licensee has used more than the agreed quantity of water, he shall be liable to pay two times the rate of fee fixed additionally, deeming that he has drawn the excess quantity on all days during the said period. The amount thus assessed and notified for payment shall be remitted by the licensee in a Government Treasury in a Head of Account…….. within such period notified. The calculation method for assessing the amount to be paid if it is found that excess water has been used, shall be as follows:----

Eg: Allowed quantity=100m3 /day. Rate = Rs…… /$m^3$/per day.

Water permissible to be used between 01-01-2013 and 15-01-2013 (dates of inspection) =1500$m^3$. Water used on any day between 01-01-2013 and 15-01-2013 = 200$m^3$. Amount to be paid additionally= 3000(m3) *rate fixed*2.

23. In the event of the water measuring equipment becoming non-functional, the fact thereof shall be immediately reported by the licensee to the Irrigation Officer. The Irrigation Officer shall find out the reason for the same, fix the liability and report the matter to the prescribed authority. The licensee shall either immediately repair the same or replace it with fresh devices and ensure that to the satisfaction and certification

of the Irrigation Officer. The steps taken shall be reported to the prescribed authority by the Irrigation Officer. Where the non-functionality has come to the notice during inspection, the licensee shall be bound to satisfactorily explain the reasons for not having reported the matter. In that case the liability would rest with the licensee. Where it is found that the liability for non-functionality rests with the licensee, the cost of water shall be calculated as per clause 21 for the entire period during which it was non-functional. Where it is found that the liability is not on the licensee, the cost of water would be assessed as if only the permitted quantity of the water has been used during the period for which the device was non-functional. It would be the liability of the Irrigation Officer to ensure that the devices are properly functioning during the license period. Where it becomes non-functional, it would the liability of the Irrigation Officer to ensure that the devices become functional before the next date of inspection.

24. The amounts due to the licensee or payable to Government by the licensee, under the Act and Rules and under this license, shall be finalized within three months after expiry of the license. Upon notice, the amount so assessed, if payable by the licensee, shall be payable by him within 15 (fifteen) days from the date of receipt of the notice requiring payment. Any delay in payment of such amounts within the specified time shall entail payment of penal interest @12% per annum on such amount after the time limit fixed for the payment. Any amount, if assessed to be payable by Government, shall be paid within three months after the date of such assessment. The licensee shall be entitled to claim interest on delayed payments @12% per annum.

25. Where a fresh license is given to the licensee for use of water, the amounts payable or receivable by either parties shall be adjusted in the calculations.

26. Where it is found that the licensee has used more than the agreed quantity of water on any day during the currency of this license, it shall be treated as a violation of the terms of the license, for which the license is liable to be terminated. But however, the Government of Kerala may by order condone the violation and permit the licensee to continue the use of water upon the payment of additional amount as calculated in clause 21.

27. Any amount due to Government under this license shall be recoverable from the security deposit or the fees paid or from any amount payable to the licensee and if this remains insufficient, by exercising the powers under the Kerala Revenue Recovery Act as if such dues were arrears of public revenue due on land or under any law for the time being in force at the discretion of the Government

28. Though the validity of the period of this license has been fixed up to ……., the Secretary to Government, Water Resources Department, Government of Kerala on behalf of the Governor of Kerala, may, in public interest or for violation of any of the terms of this license, direct the prescribed authority to terminate this license with effect from such date as may be directed. The licensee shall stop the use of water accordingly, without raising any claim or objection.

29. The license shall, unless extended beyond…… by granting of a fresh license, be deemed to have been terminated on…….. midnight and the licensee shall stop using water thereafter. The licensee shall use water thereafter only after getting a fresh license on the same conditions or further or amended conditions as determined by the Government of Kerala.

30. In the event of violation of any of the terms of this license, the prescribed authority shall have the right to terminate this license with due notice of one month.

31. In the event of termination of the license or non-grant of fresh license as envisaged above, if the licensee h ent land or utilized it by installing

any structures, equipment, devices, pipes, appliances and the like, he shall immediately vacate the occupation and remove all the structures, equipment, devices, pipes, appliances and the like from the land within a period of one month, under the supervision, direction, approval and acknowledgement of the Irrigation Officer. In the event of non-vacation of the land or removal of the utilizations in the land by the licensee within the time limit specified above, the prescribed authority shall remove the same at the risk, cost and liability of the licensee.

32. All disputes arising out of this license shall be referred to the Secretary to Government, Water Resources Department, Government of Kerala who shall take a decision on the dispute within 30 days of such reference in accordance with the procedure determined by him. Such decision of the Secretary to Government on the dispute shall be final and binding.

33. The courts having jurisdiction over the area in which water usage is carried out shall alone have jurisdiction to entertain suits or legal proceedings on any matter touching upon this license.

*Name:*

*Designation:*

(*prescribed Authority*)

(Office Seal)

SCHEDULE III

PERMIT

[See section 42 & rule 19]

This Permit is hereby granted to……..…….. (here enter name and address of the permit holder) for fishing in the ……..…… (here enter name of reservoir) in the ……area (specify the area where fishing is to be done) for the period from ……to…… upon the following terms and conditions:-

## Terms and Conditions

1. The permit holder will be allowed to fish by himself or by his workmen under his supervision, responsibility and liability.

2. Fishing will be allowed only in the area earmarked to the permit holder, i.e, ……..area ( specify the limits and boundaries where fishing is permitted).

3. The permit holder and his workmen will be allowed to fish only with the permission of the custodian officer of the reservoir.

4. Fishing will be allowed from …… to …… (here enter time). However the custodian officer shall have the right to modify the timings.

5. The permit holder and his workmen shall submit proof of identity to the custodian officer before commencing fishing on any day.

6. The permit holder and his workmen shall disclose all articles available with them before the custodian officer before entering the reservoir area. Only those articles permitted by the custodian officer to be carried shall be carried along with them.

7. Explosives and poisonous substances shall not be used for fishing.

8. De-watering shall not be done.

9. Fish culture shall not be done.

10. The permit holder or his workmen shall have no claim over the fish or fish seedlings.

11. The property, structures, bunds, appurtenants and the like belonging to the Irrigation Department shall not be used by the permit holder and his workmen without the written permission of the Irrigation Officer and Custodian Officer. Any damage to any of the above identified by the Irrigation Officer or Custodian Officer shall be treated as caused by the permit holder and accordingly treated as his sole liability.

12. Pollution or environmental damage shall not be caused to the irrigation work and area. Any material likely to cause pollution or environmental damage according to the Irrigation Officer or Custodian Officer shall not be carried or used during fishing. The Irrigation Officer or Custodian Officer shall direct the permit holder or his workmen to stop fishing if he is of the opinion that activities of the permit holder and the persons engaged by him will cause or is likely to cause pollution or environmental damage. The permit holder and his workmen shall comply with such directions.

13. The safety of the permit holder and his workmen and the articles that they use vests solely with them. The Irrigation Department and its officers shall not be liable for any incident arising out of this permit.

14. All instructions and directions of the Custodian Officer given from time to time shall be strictly complied with. Failure of compliance on the part of the permit holder or his workmen shall entail cancellation

15. The Custodian Officer shall have the right to direct the permit holder or his workmen to stop fishing at any time for specific reasons, with the concurrence of the Irrigation Officer. The permit holder and the persons engaged by him shall thereupon stop fishing without raising any claims.

16. The Irrigation Officer shall have the right to cancel this permit at any time by order for reasons to be recorded in writing.

Place:
Date :

*IRRIGATION OFFICER*
(Here enter name of the Irrigation Officer under whose jurisdiction the reservoir falls)

(Office Seal)

SCHEDULE IV

LICENSE

[See section 43 & rule 19A]

This License is granted to ……..…….. (here enter name and address of the applicant) for navigation in the ……..……(here enter name of irrigation work) for …….. purpose (here enter purpose namely, commercial or tourism or private etc.) from ……to……(here enter period) upon the following terms and conditions:-

## Terms and Conditions

1. The following conditions to the extent of its non-repugnancy to the Kerala Irrigation and Water Conservation Act, 2003 and the rules made there- under (hereinafter referred to as Irrigation Act and Rules) and the Inland Vessels Act, 1917 and the rules made thereunder (hereinafter referred to as the 'Inland Vessels Act and Rules'), Travancore Public Canals and Public Ferries Rules 1100 ME issued under the Public Canals and Public Ferries Act, 1096 ME, the Cochin Public Canals and Backwaters Navigation Rules, 1114 ME issued under the Cochin Public Canals and Backwaters Navigation Act, 1092 and the Canals and Public Ferries Rules 1917 issued under the Canals and Public Ferries Act, 1890 shall govern this license

2. The irrigation work and the irrigation work area shall be under the sole and absolute ownership, control, management and supervision of the Irrigation Department and its officers.

3. The licensee shall comply with all instructions/directions issued from time to time by the Irrigation Officer and the Custodian Officer of the reservoir (where license is granted for navigation in a reservoir).

4. The licensee shall be responsible, bound and liable in respect of all matters coming under the Inland Vessels Act and the Kerala Inland Navigation Rules, 2010 to the competent officers of the Coastal Shipping and Inland Navigation Department and Port Department. The Irrigation Officer and Custodian Officer shall ensure whether the provisions of the Inland Vessels Act and the Kerala Rules issued thereunder have been complied with by the vessel allowed for navigation. In case of doubt or complaint on any matter regarding the vessel, the Irrigation Officer or Custodian Officer shall seek the assistance of the competent officers of the Coastal Shipping and Inland Navigation Department/Port Department and take appropriate decision. The licensee shall comply with such decision.

5. The safety of the vessel, its staff and persons using the same shall not be the responsibility or liability of the Irrigation officer or Custodian Officer. These matters shall be the responsibility and liability of the Coastal Shipping and Navigation Department and Port Department.

6. The Government shall from time to time by order fix such other conditions as they deem necessary for the safety of the vessel, its staff and persons using the same, which the licensee shall duly comply upon instructions by the Government, Irrigation Officer or Custodian Officer.

7. Where the Government is of the opinion at any time that continuance of this license may or is likely to defeat the intention of any of the provisions of the Kerala Irrigation and Water Conservation Act, 2003 and the rules made there under, the license may be

cancelled at such time. The licensee shall not have any claim or right thereafter in respect of all matters

covered by this license. The Irrigation Officer or Custodian Officer shall take all consequential steps upon such cancellations.

8. The Government shall fix by order the navigable channels, the number of vessels and the nature and type of the vessels that may be permitted to conduct navigation in consultation with the competent officers of the Irrigation Department, Coastal Shipping and Inland Navigation Department and Port Department. Navigation shall be permitted only accordingly.

9. The Government shall fix the points from which navigation shall be commenced and terminated, which the licensee shall always comply.

10. The Government shall fix the boarding or embarking points and places, the dis-embarking points and places, docking points and mooring points etc., which the licensee shall adhere to.

11. The Government shall by order fix the timings for navigation in consultation with the Chief Engineer (Irrigation & Administration) which the licensee shall duly comply. The timings may however be changed at any time by the Irrigation Officer or Custodian Officer for reasons to be recorded in writing with the concurrence of the Chief Engineer (Irrigation & Administration) and subject to ratification by the Government.

12. The licensee shall deposit such amount as fixed by the Government as security deposit in such form as the Government may direct. In the event of violation of any of the terms of this license, apart from cancelling the license, the security deposit shall also be forfeited to Government.

13. The Government may also require the licensee to insure the safety of all persons in the vessel to the satisfaction of Government, in addition to the statutory prescriptions under the Inland Vessels Act and Rules.

14. The fees other than license fees, if any, for allowing the vessel to navigate, dock and moor shall be fixed by the Government from time to time which the licensee shall pay without fail.

15. The fees and other amounts payable by the persons using the navigating vessel shall be as fixed by the Government by order from time to time which shall be displayed at a conspicuous place at the entrance of the vessel and which alone shall be collected.

16. All the persons allowed to undertake navigation including the staff of the vessel shall disclose all articles available with them to the Irrigation Officer or Custodian Officer and such other officers of the Irrigation Department authorized by the Chief Engineer (Irrigation & Administration) before entering the vessel. Only those articles permitted by such officers shall be carried by any person into the vessel during navigation.

17. All the persons before being allowed to undertake navigation including the staff of the vessel shall prove their identity by record to the Irrigation Officer or Custodian Officer and/or such other officers of the Irrigation Department authorized by the Chief Engineer (Irrigation & Administration).

18. The property, structures, bunds, appurtenants and the like belonging to the Irrigation Department shall not be used by the licensee without written permission of the Irrigation Officer or Custodian Officer. Any damage to any of the above identified by the

Irrigation Officer or such other officers of the Irrigation Department authorized by the Chief Engineer (Irrigation & Administration) as caused by the licensee shall be the liability of the licensee.

19. Pollution or environmental damage shall not be caused to the irrigation work and area. Any material likely to cause pollution or environmental damage according to the Irrigation Officer or Custodian Officer and such other officers of the Irrigation Department authorized by the Chief Engineer (Irrigation & Administration) shall not be carried or used during navigation by any person in the vessel including staff and passengers. The Irrigation Officer and/or Custodian Officer and such other officers of the Irrigation Department authorized by the Chief Engineer (Irrigation & Administration) shall direct the licensee to stop navigation if he is of the opinion that activities of the licensee will cause or is likely to cause pollution or environmental damage. The licensee shall comply with such directions.

20. All instructions and directions of the Irrigation Officer or Custodian Officer and such other officers of the Irrigation Department authorized by the Chief Engineer (Irrigation & Administration) given from time to time shall be strictly complied with. Failure of compliance on the part of the licensee shall entail cancellation of this license.

21. The Irrigation Officer or Custodian Officer and such other officers of the Irrigation Department authorized by the Chief Engineer (Irrigation & Administration) shall have the right to direct the licensee to stop navigation at any time for specific reasons. The licensee shall thereupon stop navigation without raising any claims. However, the Government of Kerala shall have the right to overrule this action, by order, for reasons to be recorded in writing.

22. The Government of Kerala shall have the right to cancel this license at any time by order for reasons to be recorded in writing. The licensee shall agree to such action without raising any claim or objection.

23. Violation of any of the obligatory actions on the part of the licensee mandated in this license would entail stoppage of navigation by the Irrigation Officer or Custodian Officer and such other officers of the Irrigation Department authorized by the Chief Engineer (Irrigation & Administration) and consequential cancellation of license by the Government.

*Secretary to Government,*
*Water Resources Department,*
*Government of Kerala.*

(Office seal)

SCHEDULE V

PERMIT

[See Section 5 and rule 5A]

This Permit is hereby granted to…….. (here enter name and address of the permit holder) for constructing, installing, fixing or laying any structure over, across, along or inside an irrigation work …….. (here enter name of irrigation work) upon the following terms and conditions.

## Terms and Conditions

1. The permit holder is hereby allowed to construct/ install/ fix/ lay ……... (here enter details of the structure and place) over/across/ along/inside the……..(here enter name of Irrigation work) under his supervisionresponsibility and liability as per the plan/drawings/design approved by the Chief Engineer (Irrigation and Administration) and appended to this permit (enclose details of the approved structure and plan, design and drawings of the structure) at his sole expense.

2. Constructing/installing/ fixing/ laying of the structure over/across/along/ inside an irrigation work will be allowed only in the specified area i.e, ……..area (here specify the area where construction/ installation/ fixing/ laying of structure is permitted).

3. The permit holder and his workmen will be allowed to construct/ install/fix/ lay any structure over, across, along or inside an irrigation work only with the previous permission of the Irrigation Officer and Custodian Officer of the irrigation work.

4. The permit holder and his workmen shall submit proof of identity to the Irrigation Officer and Custodian Officer before commencing the work of the structure.

5. The permit holder shall commence the work and complete the work within the period specified by the Irrigation Officer. The permit holder shall be liable to prove to the satisfaction of the Irrigation Officer and Custodian Officer that the structure is being constructed/ installed/fixed/ laid as per the approved plan, design and drawings of the structure at all times. On completion of the work, it shall be the duty and liability of the permit holder to prove that the structure has been constructed/ installed/fixed/ laid as per the approved plan, design and drawings of the structure. The date of commencement of the work and date of completion of the work shall be communicated to the Irrigation Officer and Custodian Officer.

6. The permit holder shall use, operate, maintain, repair and man the structure in accordance with the directions of the Irrigation Officer and Custodian Officer at all times.

7. The structure shall be deemed to be a temporary structure at all times and therefore validity period is not specified.

8. Where it is found by the Chief Engineer (Irrigation & Administration), Thiruvananthapuram that it is necessary in public interest or for such other valid reason that the structure has to be demolished/dismantled/removed, the permit holder shall be given due notice of thirty days. Upon receipt of the notice, the permit holder shall act according to the directions contained in the notice. Where the permit holder does not act in accordance with the directions contained in the notice, the Chief Engineer (Irrigation & Administration), Thiruvananthapuram may demolish/dismantle/remove the structure at the cost of the permit holder. The permit holder shall reimburse the cost expended towards this. Where the permitholder does not reimburse the cost within such period specified, the cost so fixed shall be recovered from the permit holder in

accordance with the provisions of the KRR Act as if it were arrears of public revenue due on land.

9. The safety of the structure and all claims whatsoever arising out of the structure shall always remain as the liability of the permit holder.

10. The property, structures, bunds, appurtenants and the like belonging to the Irrigation Department shall not be used by the permit holder without the written permissionof the Irrigation Officer and Custodian Officer. Any damage to any of the above, identified by the Irrigation Officer and Custodian Officer shall be treated as caused by the permit holder and accordingly treated as his sole liability.

11. Pollution or environmental damage shall not be caused to the Irrigation work and its area. Any material likely to cause pollution or environmental damage according to the Irrigation Officer and Custodian Officer, shall not be used or disposed by the permit holder. The Irrigation Officer and Custodian officer, shall be entitled to direct the permit holder to stop the work if he is of the opinion that activities of the permit holder will cause or is likely to cause pollution or environmental damage. The permit holder shall duly comply with such directions.

12. The safety of the permit holder and the articles that he uses vests solely with them. The Irrigation Department and its officers shall not be liable for any incident arising out of this permit.

13. All instructions or directions of the Irrigation Officer and Custodian Officer given from time to time shall be strictly complied with. Failure of compliance on the part of the permit holder shall entail cancellation of this permit.

14. The Irrigation Officer and Custodian Officer shall have the right to direct the permit holder at any time to stop the work on the structure for specific reasons with the concurrence of the Irrigation Officer.

15. Where it is found during execution that the approved plan or drawings or design requires change or modifications, the same shall be brought to the consideration of the Chief Engineer (Irrigation & Administration), Thiruvananthapuram, whose decision thereon shall be final.

16. The Chief Engineer (Irrigation & Administration), Thiruvananthapuram shall have the right to cancel this permit or modify the permit at any time, by order, for reasons to be recorded in writing, which the permit holder shall duly agree.

17. Any dispute or clarification covering this agreement shall be referred to the Chief Engineer (Irrigation & Administration), Thiruvananthapuram whose decision thereon shall be final.

18.This permit enabling the permit holder to construct or install or fix or lay the structure over or across or along or inside the irrigation work does not waive or stop the permit holder from obtaining permission or sanction or order or license etc., from any other authority under any other statute for the time being in force.

Pla
ce:
Dat
e :

SCHEDULE VI

AGREEMENT

(See Section 5 of rule 5A)

This AGREEMENT is executed on this the …….. day of ……..…..BETWEEN Sri…….(here enter name, age and address of the applicant) (herein after referred to as 'the applicant', which shall include his heirs, successors and assigns AND the Governor of Kerala represented by the Superintending Engineer of the …….. (which shall include his successors in office) (herein after referred to as the 'Government');

WHEREAS the applicant has requested the Government for a permit to construct/ install/ fix/ lay …….. (here enter details of the structure and place) over/across/ along/inside the…….. (here enter name of irrigation work) under his supervision, responsibility and liability as per the plan/drawings/design approved by the Superintending Engineer of the …… and appended to this agreement (enclose details of the approved structure and plan, design and drawings of the structure.)

AND WHEREAS the Government have granted permit (which shall form part of this agreement as if incorporated herein) to the applicant to construct/ install/ fix/ lay ……..(here enter details of the structure and place) over/across/ along/inside the…….. (here enter name of Irrigation work) as per ……(here enter details of the permit).

Now, this Agreement witnesses, and the parties hereto mutually agree as follows:--

1. The Kerala Irrigation and Water Conservation Act, 2003 and the rules made thereunder (hereinafter referred to as the 'Act and Rules') shall govern this Agreement except the conditions herein after appearing.
2. The applicant hereby agree that he would faithfully and truly comply and agree with all the terms and conditions in the permit without raising any objections at any time.
3. The applicant hereby agree that the Government may cancel the permit and terminate this agreement for any violation or non-compliance of the conditions in the permit without raising any claims or objections.
4. The terms and conditions of the permit shall form part and parcel of this agreement.

In WITNESS WHEREOF, the parties hereto, Sri……and Sri/Smt…….. have set their hands on the day, month and year first above written.

Signed by…… In the presence of witness:

Signed by…… In the presence of witness:

1) Signature
Name:
Designation:

1) Signature
Name:

Designation: 2) Signature:
Name:
Designation:

2) Signature:
Name:

Designation:

By order of the Governor,

TOM JOSE,

Additional Chief Secretary to Government

**Explanatory Note**

(This does not form part of the notification, but is intended to indicate its general purport)

The Subordinate Legislation Committee of the 12th Kerala Legislative Assembly in its 11th report has communicated its observations and recommendations on the Kerala Irrigation and Water Conservation Rules, 2005 after scrutiny and directed the Government to take action including amendment of the rules. Government have examined the matter in detail and decided to amend the rules so as to carry out the suggestions of the Committee. On detailed examination, Government have found that certain further amendments have to be incorporated along with the suggestions of the Committee. It was also found that certain further amendments, not proposed by the Committee, have also tobe made in the rules to meet the present day requirements for implementing the objects of the Act.

This notification is intended to achieve the above objects.]