

The Orissa Irrigation Rules, 1961

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The Orissa Irrigation Rules, 1961

CHAPTER – I

General

1. **Short title and commencement** – (a) These rules may be called the Orisa Irrigation Rules, 1961.

(b) These rules to the extent they relate to any particular provision of the Act shall come into force on the date they are made or on the date of coming into force of the said provision, whichever is later.

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

(a) **“Act”** means the Orissa Irrigation Act, 1959;

(b) **“Block”** means the whole area of certain specified land served by an outlet or outlets from an irrigation work which may be mapped out in convenient size in accordance with the features of the ground, natural or artificial;

(bb) **“Block Development Officer”** means a Block Development Officer appointed by the State Government under Section 15-A of the Orissa Panchayat Samiti and Zilla Parishad Act, 1959;

(c) **“Canal”** includes main canals, branch canals, distributaries and minors;

¹[(d) **“commercial establishment”** means as defined in the Commercial Establishment Act, 1952

²[(dd) **“Executive Engineer”** means Executive Engineer of the Water Resources department, of Government of Orissa, having territorial jurisdiction over the Government water sources’ and]

(a) **“fee”** means a charge levied for supply of water from Government water source for industrial and commercial purposes and, other uses from a Government water source;

(b) **“Form”** means a Form appended to these rules;

(c) **“licence”** means a permission granted by a competent authority for use of water from a Government water source;

(d) **“section”** means a section of the Act;

³[(i) **“Water Users’ Association”** means farmers’ bodies / users of water from irrigation were registered under the Societies Registration act, 1960 and duly

recognised by the Irrigation Officer/Executive Engineer under whose territorial jurisdiction, it is located and with whom the Irrigation Officer, Executive Engineer enters in to an agreement;]

- (j) all words and expressions used in these rules but not defined herein shall have the same meaning as are respectively assigned to them in the Act.]

3. Procedure of enquiry – Unless otherwise provided in these rules, enquiries under the Act and these rules may be of a summary nature, The Enquiring Officer may give an opportunity to both parties to be heard. The said officer shall issue notice to the parties to appear before him at a specified time and place with their witnesses and documents, if any, in support of their respective claims. The hearing shall proceed from day to day unless for sufficient reasons to be recorded, it has to be adjourned to some other day. In case any of the parties desire summons to be issued for the appearance of any witness or production of any document, such officer shall summon accordingly; provided that necessary process fee and expenses of witnesses are deposited within a reasonable time to be fixed by the said officer. The Enquiring Officer may hold local enquiry and the report on enquiry shall form a part of the record. The Enquiring Officer shall be competent to dispense with the personal attendance of any party.

CHAPTER – II

Construction and maintenance of irrigation works

4. Manner of publication in respect of any work other than a minor irrigation work – [Section 5 (3)] – (a) When a projected irrigation work other than a minor irrigation work is proposed to be constructed, the same shall be published in Form 'A' in the Gazette calling for objections or suggestions. Copies of the same in Oriya shall also be published -

(i) on the notice boards of the office of Collector, Sub-divisional Officer, Panchayat Samiti, Grama Panchayat within the limits of which any land likely to be benefited or affected by the proposed work is situated ;

(ii) at a conspicuous place in every village in which any land likely to be benefited or affected by the proposed work, is situated in presence of not less than two witnesses whose signatures or thumb impressions shall be obtained on a copy of the notice to be filed in the Collector's records.

(b) Objections or suggestions, referred to in Sub-rule (a) shall be filed before the Collector.

4.A. Manner of publication of notice for inviting objections and suggestions in respect of rejected minor irrigation works – [Proviso to Section 5 (3)] – (1) When a projected minor irrigation work is proposed to be constructed, a notice in Form 'AA' giving the description of the said work shall be published by the Block Development Officer (in whose jurisdiction the projected work lies) on his notice board calling for objections or suggestions by a date to be specified in the notice.

(2) The date referred to in Sub-rule (1) shall not be less than seven days from the date of publication of the notice thereunder.

(3) Copies of the notice in Oriya shall also be published –

(i) on the notice board of the office of Sub-divisional Officer, Panchayat Samiti and Grama Panchayat within the limits of which any land likely to be benefited or affected by the proposed work is situated ; and

(ii) at a conspicuous place in every village in which the land likely to be benefited or affected by the proposed work is situated in the presence of not less than two witnesses whose signatures or thumb impressions shall be

obtained on a copy of the notice to be filed in the Block Development Officer's record.

5. Filing of objections and suggestions – [Section 5 (3) and proviso thereto] –

(1) All objections or suggestions called for under Rule 4 shall be filed in duplicate before the Collector and a copy of each objection or suggestion shall be kept open for inspection of the public in the office of the Collector for 3 period of 15 days from the last date specified in Form 'A' as the date fixed for filing objections or suggestions.

(1-a) All objections or suggestions called for under Rule 4 – A shall be filed in duplicate before the Block Development Officer and a copy of each objection or suggestion, as the case may be, shall be kept open for the inspection of the public in the office of the Block Development Officer until final orders are passed on them under Rule 6-A.

(2) All persons having the same ground of objection or suggestion may jointly file the same.

6. Notification regarding decision of State Government in respect of projected irrigation works, other than minor irrigation works – [Section

(3)] – The state Government may, after considering the report and recommendations of the Collector in respect of any projected irrigation work which is not a minor irrigation work by notification in Form 'B', direct that the proposed work shall not be executed or that it shall be executed with such modification, if any, as the State government may specify.

6-A Disposal of objections and suggestions in respect of projected minor irrigation works – [Proviso to Section 5 (3)] –

(1) All objections and suggestions called for under Rule 4 – A shall be heard and considered by the Block Development Officer.

(2) The Block Development Officer shall be competent to decide, after close of the enquiry, "if the work shall not be executed or it shall be executed with such modification, if any, as he may specify, provided the work is estimated to cost not more than Rs. 2,500 and the work alongwith the lands likely to be benefited or affected by it is fully situated within his jurisdiction.

(3) In all other cases, he shall, immediately after the close of the enquiry, submit the entire record of proceedings alongwith his report and recommendations to the competent authority.

(4) Competent authority in respect of any projected minor irrigation work means –

(a) if the work and the lands likely to be benefited or affected by it are situated within the jurisdiction of one Panchayat Samiti and its estimated cost is more than Rs. 2,500 but less than Rs. 25,000, the Chairman of the Panchayat Samiti ;

(b) in all other cases where the estimated cost of the work is more than Rs. 25,000 but less than Rs. 50,000, the Collector of the district.

(c) if the estimated cost of the work is Rs. 50,000 or more but less than Rs. 1 lakh, the Revenue Divisional Commissioner; and

(d) in all other cases, the Government.

5. On receipt of the documents specified in Sub-rule (3) the competent authority may, at his discretion make further enquiry or cause such an enquiry to be made by such person as may be specified in this behalf or hear any of the persons filing objections or suggestions before coming to a decision. The decision made by the competent authority shall be notified in form 'BB' on the notice board of the Block Development Officer who invited objections and suggestions under Rule 4-A.

7. Principles for providing means of crossing – [Section 9 (1)] – (1) Suitable means of crossing shall ordinarily be provided at a distance of about two miles; apart of the main and branch canals ;

Provided that in special cases, the State Government may provide crossings on the main canal at shorter distances for access to important villages, market places, fairs and the like.

(2) Ramps shall be provided at Government cost on distributaries and minors near each village.

8. Manner of providing additional means of crossing – [Section 9 (2)] – (1) The Collector while submitting his report under Sub-section (2) of Section 9 of the Act shall furnish the distances of crossings provided on the canal on either side of the proposed crossing and give an estimate of expenditure both non-recurring and recurring for the provision of means of crossing with special reasons, if any.

(2) The State Government may, after considering the report of the Collector, issue orders whether means of crossing should be provided or not. On receipt of orders from the State Government, the Collector shall as soon as possible communicate such order to the applicants and shall also furnish a copy of the order sanctioning the proposal to the Irrigation Officer who shall take necessary steps for providing means of crossing.

CHAPTER – III

Construction and maintenance of water-courses

9. Construction of water-courses of new irrigation works [Section 11]- (1)

The plan and estimate for construction of water-courses of any irrigation work shall be separately prepared and sanctioned by the authority competent to sanction the plan and estimate of the irrigation work. The plan should show the alignment of water-courses and delimitation of Blocks.

(2) The Irrigation Officer shall lay out the alignments of water-courses and give notice in Form 'C' to the concerned villagers to take up the construction of water-courses and complete the same within a specified period failing which suitable action shall be taken under the provisions of Section 18 of the Act.

Explanation – The notice shall be served on each owner and occupier whose lands are benefited by the irrigation work and a copy of the same shall be published in a conspicuous place in the village and in the office of the concerned Grama Panchayat.

10. Construction of water-courses of existing irrigation works and irrigation works under construction – [Section 11] – In the case of existing works and works under construction, where the system of water-courses has not been provided or not shown in the approved plan and are found necessary, the following procedure shall be followed :

(1) The authority competent to sanction the irrigation work shall sanction the construction of the water-courses.

(2) Before sanctioning the construction of water-courses the competent authority shall cause to be published in the office of the Grama Panchayat under whose jurisdiction the land is situated and in a conspicuous place of every village in which the lands to be benefited or affected by the execution of the proposed water-course lie, the description of the proposed work the lands over which it will pass and the approximate cost of the work and invite objections, if any.

(3) Objections, if any, to the proposed construction shall be received by the authority competent to sanction the construction within 30 days from the date of publication of the description of the proposed work in the village.

(4) The competent authority shall on the date fixed for hearing of the objections or on any subsequent date to which the hearing may be adjourned, hold or cause to be held such summary enquiry as he thinks fit, after giving the notice to the persons concerned and shall decide about the construction of the water-course and issue directions to the persons to be benefited to construct the water-course by a date to be specified by him which shall not be less than one month from the date of the order.

(5) If the water-course is not constructed within the specified period the competent authority shall take suitable action under the provisions of section 18 of the Act.

11. Application for construction of water-course – [Section 12] – An application under Section 12 (1) shall be in Form ‘D’ and filed before the Irrigation Officer not less than three months in advance of the date on which supply of water is sought for.

12. Construction of the water-course by private arrangements – [Section 12] – If the applicant has obtained consent of the owners of the lands likely to be affected by the work mentioned in Rule 11, the Irrigation Officer shall cause notice to be served on the owners of the lands and after causing such summary inquiry as he considers necessary shall permit the applicant in Form No. ‘E’ to either execute the work at his cost or in case of private arrangement, according to such agreements as might have been made between them.

13. Construction of water-course where private arrangement is not possible – [Section 12] – (1) Any person desiring construction, extension, improvement or alteration of a water-course through Government agency shall apply to the Irrigation Officer in Form ‘D’ stating that he is ready to defray all expenses necessary for constructing, extending, improving or altering such water-course as well as the cost of acquisition of land, if any.

(2) If the Irrigation Officer considers such work expedient, he may call upon the applicant to deposit any part of the expense as may be considered necessary, and upon such deposit being made, shall cause an enquiry to be made into the most suitable alignment for the said water-course and shall mark out the land which, in his opinion, will be required for the construction thereof. He shall forthwith publish a notice in Form ‘F’ in every village through which the water-course is proposed to be taken.

(3) The said notice shall also call upon any person who wishes to have for his lands the benefit of such water-course to make his application in that respect to the Irrigation Officer within 30 days of the publication of such notice. If his application is allowed he shall be required to pay his share as may be decided by the Irrigation Officer in respect of the construction, extension, improvement or alteration of such water-course, as the case may be, and the cost of land acquisition, if any.

(4) The deposit made under Sub-rule (2) shall be adjusted where recovery of the cost of construction, extension, improvement or alteration, as the case may be, is made after completion of the work.

14. Limitation for execution of or repairs to water-courses – [Section 15] –

The period for execution or repairs of the work specified under Sub-section (1) of Section 15 of the Act shall not exceed 30 days from the date of publication of notice, except with special permission of the Irrigation Officer for reasons to be recorded in writing.

15. Recovery of the cost incurred for construction of water-courses by Government – [Section 18] –

(1) Where Government construct the water-courses of any irrigation work under Section 18 the cost of construction (which also includes the cost of Land Acquisition, if necessary) and cost of maintenance during construction or thereafter till the water-courses are made over to the owners or occupiers of lands within the culturable commanded area of the irrigation work for maintenance, shall ordinarily be recovered by an acreage rate in the manner specified hereunder unless the majority of the aforesaid persons apply in writing to pay the cost in the form of general enhancement of compulsory basic water-rate.

(2) General enhancement of the compulsory basic water-rate will be fixed having due regard to the cost of construction and maintenance as mentioned in Sub-rule (1) and the life of the work.

(3) The acreage rate shall be worked out by dividing the total cost mentioned in Sub-rule (1) by total acreage of land in culturable commanded area.

(4) The acreage rate as may be arrived at under Sub-rule (3) shall ordinarily be recovered in 10 equated annual installments unless the person wants to pay in lesser number of installments or in lump sum.

(5) Except in case of lump sum payment on due date for recovery of first installment, interest shall be charged at the rate of 6 per cent per annum.

(6) The acreage rate shall be worked out by the Irrigation Officer and shall be submitted through proper channel for approval by Government.

(7) After the approval of the acreage rate by Government, Irrigation Officer shall prepare statement showing the amount payable by each owner and occupier according to area in acres possessed by each within culturable commanded area of the irrigation work and publish the same in the office of the concerned Grama Panchayats and at a conspicuous place in every village in which lands are situated. He shall also serve notice on the owners and the occupiers showing the amount payable by each and the date of recovery of annual installments.

(8) Any person may within fifteen days from the date of service of the notice under Sub-rule (7) present his objection to the Irrigation Officer regarding his liability to pay the amount and the correctness of the amount payable by him. The Irrigation Officer after making a summary inquiry shall record his decision regarding the person or persons liable to pay the acreage rate for the lands in question and the amount payable by each such person. No objection shall be entertained as to the quantum of acreage rate fixed by government.

- 16. Issue of revised notice for recovery of cost of construction of water-courses** – [Section 18] – After disposal of objection, if any, the manner provided in the preceding rule the Irrigation Officer shall issue revised notices, if necessary, to the persons liable for the acreage rate as decided by him and proceed to recover the same which shall not be questioned unless modified in appeal.
- 17. Prohibition of growing crops in the edge of water-courses** – No crops shall be grown on the edge of any water-course. If any question arises as to what is the edge of water-course, the matter shall be referred to the Irrigation Officer whose decision shall be final and conclusive.

CHAPTER – IV

Supply of Water

- 18. Classification of irrigation works for water-supply** – For the purpose of supply of water which shall be mainly related to the base period of staple cereal crop generally grown in the area, the State Government may divide the irrigation works into the following classes :

Class	Period of supply	Depth of supply in inches to be guaranteed
1 st	June to November	28”
2 nd	July to November	23”
3 rd	July to October	18”
4 th	July to October	9”

- 19. Delimitation of areas for crops other than the staple cereal crops** – [Section 20] –

(1) The areas for crops other than the staple cereal crops shall be delimited by the Irrigation Officer into Blocks. Each such Block shall have a period of rotation of 3 years according to the crop pattern to be determined for the Blocks by the persons having lands in the Blocks by mutual agreements.

(2) In case of disagreement the Irrigation Officer shall prepare a draft crop pattern for each Block under his charge. It shall be published in a conspicuous place of the village in which the Block is situated in presence of two witnesses of the locality inviting objections and suggestions to be filed before the Irrigation Officer within fifteen days from the date of publication. The Irrigation Officer after the last date fixed for filing objections and suggestions, shall proceed to hear the objection and suggestions received by him after giving due notice to the parties concerned. As soon as the Irrigation Officer completes the hearing he shall finalise the crop pattern for each Block and cause the same to be published in a conspicuous place of the village in presence of two witnesses of the locality.

(3) Any person aggrieved with the order of the Irrigation Officer may file an appeal before the Collector within thirty days from the date of publication of the crop pattern. The decision of the Collector shall be final.

- (4) The crop pattern fixed for a Block may be revised at the close of every third year. In revising the crop pattern the same procedure as prescribed in the preceding sub-rules shall be followed.

20. Preparation of irrigation charts for supply of water for staple cereal crops and other crops – [Section 20] – (1) The Irrigation Officer shall prepare a draft irrigation chart for lands under each irrigable command for staple cereal crop and other crops showing the quantity of water to be supplied according to the time schedule indicated therein. The chart shall by draft published in a conspicuous place of each village in which the lands under the irrigable command are situated in the presence of two witnesses of the locality inviting objections and suggestions, if any, to be filed before the Irrigation Officer within fifteen days from the date of publication. The expiry of the last date for filing objections and suggestions the Irrigation Officer shall consider objections and suggestions received by him after giving due notice to the parties concerned and shall finalise the irrigation charts. The irrigation charts as finalised shall be got published by the Irrigation Officer in the same manner as prescribed for draft publication of such charts.

- (2) Any person aggrieved with the decision of the Irrigation Officer is preparing the final irrigation charts may file an appeal before the Collector within thirty days from the date of publication of the final charts. The decision of the Collector shall be final.

CASE LAW – Rule 20 – Classification of irrigation works for the purpose of rule 45 – Whether the rule has applicability – Held, no-Hence, no grievance can be made on this ground – Compliance of the rule : (1970) 36 CLT 163.

21. Supply of water – [Section 20] - (1) It shall be the duty of Irrigation Officer to supply water at the outlets according to the irrigation charts as may be finalized by him or modified on appeal :

⁴[Provided that where management of distribution system of an irrigation work has been handed over to a Water Users' Association, in accordance with an agreement entered into with the Irrigation Officer in Form W; supply of water at the outlets shall be regulated by the said Association.]

- (2) The internal distribution of water to lands within a Block from the water-courses shall be left to the persons having lands in the block. Any dispute relating to distribution of water in the Block shall be referred to the Patwari, Amin or any other officer in charge of distribution of water whose decision shall be binding on the persons having lands in the Block.

22. Regulation of water-supply in case of insufficiency of the water in the irrigation work – [Section 20]- If, for any cause, water in the irrigation work is insufficient to meet fully all demands for water, question regarding the allotment of the available supply and quantity and regulation thereof, shall subject to the general or special orders of the State Government, if any, be determined by the Irrigation Officer.

23. Schedule of water-rate and special rates – [Section 20] – ⁵[The compulsory basic water-rate, water-rate and special rates for supply of water for purposes other than irrigation shall be levied at the respective rates and on the principles specified in the Schedule annexed to these rules.]

⁶[**23-A.**(1) When an industrial Organisation, commercial establishment propose to draw or lift water from a Government water course –

(a) the ⁷[Executive Engineer] may earmark the bed and off-shore lands of the said water source free from encumbrances and set it apart for the purpose ;

⁷[(b) the Executive Engineer shall order installation of a Flow Meter or a suitable measuring device within the period as stipulated by him not being less than thirty days from the date of such order at the cost of the concerned industrial/commercial establishment to measure the quantum of water to be drawn form the water source and the Flow Meter/measuring device shall be installed under the direct supervision of the Executive Engineer or under the supervision of an Engineer not below the rank of an Assistant Engineer to be specifically nominated by him, failing which the water-supply shall not be made or shall be discontinued by him after giving seven days' notice ; and]

(c) the flow meter will be certified and checked about its accuracy from time to time by the Weights and Measures Organisation of the State Government to ensure proper collection of fee;

(d) the Industrial Commercial establishments shall be responsible for smooth maintenance and up-keeping of the flow meter system under the general supervision of the ⁷[Executive Engineer].

(2) The ⁷[Executive Engineer] shall be the competent authority to grant licence under the provisions of the Orissa Irrigation (Amendment) Act, 1993 to industrial or commercial or other establishment on application in the following manner, namely :

(a) The application shall be filed by the industrial or commercial establishment before the ⁷[Executive Engineer] for drawing and lifting of water from Government water source in Form 'S';

(b) The application shall be submitted before the ⁷[Executive Engineer] at least two months before the date from which supply of water is applied for. If the application is received less than two months before the date of supply of water and the ⁷[Executive Engineer] is satisfied about the reasons for delay, he may also accept such application by condoning the delay;

(c) The application shall be submitted personally or sent by registered post. Printed application forms will be supplied to intending applicants on payment of Rs. 0.50 paise at the Tahasil Office;

(d) On receipt of the application, the ⁷[Executive Engineer] shall make or cause to be made such summary inquiry as he considers necessary. The report of inquiry shall as far as practicable be recorded in Form S-1;

(e) The ⁸[Executive Engineer] may by order allow the application or refuse to sanction supply of water from such Government source if such supply of water in his opinion would be detrimental to the environment of the locality or would affect the riparian rights of the villagers or if it is in any way detrimental to the people and agriculture at large. Application may be allowed with such conditions or restrictions may be stated in the said order;

(f) The order shall be communicated in writing to the applicant. Where the application is allowed the applicant shall be asked to execute an agreement in Form 'T' within the date specified in the said order. The agreement shall be binding on both the licensing authority and the licensee and same shall be executed at the cost of the licensee. Drawing and lifting of water from Government water source shall be made only after execution of the agreement;

(g) Licence fees shall be charged and collected at the rates per unit or quantity of water drawn or lifted as specified in Form 'U'. The State Government may, in the public interest, by notification in the *Official Gazette*, revise such rate of fees as and when considered appropriate;

(h) The State Government may grant concession as considered necessary, to the industrial or commercial establishments as per the Industrial Policy Resolutions from the payment of licence fees;

(i) the ⁸[Executive Engineer] shall assess the fees to be charged as per unit/quantity of water drawn or lifted and accordingly issue demand notice within the first week of every month in Form 'U'. The assessee shall make payment within the said month and on default monthly compound interest @ 2% shall be charged.

(3) Any industrial or commercial establishment using, diverting collecting or consuming water from Government water sources prior to the commencement of the Orissa Irrigation (Amendment) Act, 1993 shall be treated as a licensee under the said Act and shall be liable to pay the license fees specified in these rules for a period of three months from the date of commencement of the said Act within which time such industrial or commercial establishment shall have to file an application in Form 'S' and obtain a fresh license.

(4) When a person is reasonably suspected of having committed an offence by unauthorized use of water from a Government of water source punishable under the Act, the ⁸[Executive Engineer] may, after making an inquiry forward the case to the Court of the competent jurisdiction.

(5) (a) The State Government may in any case or class of cases grant total or partial exemption from payment of licence fee for any specified period in the interest of industrial or commercial developments in the State.

(b) An application for total or partial exemption of licence fees shall be made to the ⁹[Executive Engineer] having jurisdiction.

⁹[(c) The Executive Engineer on receipt of the application, may after making such inquiry as he considers necessary, furnish a report containing justification for exemption or the extent of such exemption, if any, alongwith the application to the concerned Chief Engineer, Water Resources Department and the Chief Engineer after recording his opinion on the application shall forward the same to the State Government for taking final decision in the matter.]

24. Manner of filing application – [Section 21 (1)] – (1) Application under Sub-section (1) of Section 21 for supply of water for irrigation shall be made to the Irrigation Officer at least two months before the date from which supply of water is applied for:

Provided that if the application is received less than two months before the date of supply asked for and the Irrigation Officer is satisfied about the reasons of delay, he may accept such application.

(2) The application shall be made in Form 'G' and shall be delivered personally or sent by post. Printed forms will be supplied to intending applicants free of charge.

25. Mode of enquiry – [Section 21] – (1) On receipt of the application, the Irrigation Officer shall make or cause to be made such summary enquiry as he considers necessary and shall ordinarily allow the application if it is for a crop according to the crop-pattern determined for the block. If the application is for supply of water for a crop other than those

included in the crop-pattern of the block, the application may be ordinarily rejected, but if it is for a crop with similar water requirement as the crops selected for the crop-pattern of the Block, the Irrigation Officer may in his discretion allow it. The Irrigation Officer may refuse to sanction supply of water for irrigation to any land. If such irrigation would, in this opinion, lead to excessive or wasteful use of water, or cause, or contribute to cause damage or injury to such land or any other land or cause loss or injury to the cultivator of any other land.

(2) If an applicant is in arrears of water-rates which became due before the date of application the application may be rejected or sanction may be given provisionally subject to the condition that such arrears are paid before a specified date prior to commencement of supply.

(3) Where the application is allowed, a permit in Form 'H' shall be issued to the applicant. An intimation shall also be given in Form, 'I' in case the application is rejected.

26. Application for supply of water for any purpose other than irrigation – [Section 21 (2)] – An application for supply of water for any purpose other than irrigation shall be made to the Irrigation Officer in Form 'J' in triplicate.

27. Mode of enquiry and execution of agreement – [Section 21 (2)]-(1) On receipt of the application, the Irrigation Officer shall cause to be published in a conspicuous place of each of the villages through which the distributary or the minor passes, a notice inviting objections to be filed within fifteen days from the date of publication. On expiry of the last date for filing objections the Irrigation Officer shall, after making an enquiry in the prescribed manner, pass orders relating to the supply of water.

(2) The order shall be communicated in writing to the applicant and where the application is allowed, the applicant shall be asked to execute an agreement in Form 'K' within the date specified therein. Supply of water shall be made only after execution of the agreement.

¹⁰[(3) The concerned Irrigation Officer of the irrigation work shall order installation of a Flow Meter or a suitable measuring device within the period as stipulated by him not being less than thirty days from the date of such order at the cost of the applicant to measure the quantum of water to be drawn from the irrigation work and Flow Meter/ measuring device shall be installed under his direct supervision or under the supervision of an Engineer not below the rank of Assistant Engineer to be specially nominated by him, failing which the water supply shall not be given or shall be discontinued by him after giving seven days' notice].

28. Restriction to the sanction of supply of water for purposes other than irrigation – [Section 21 (2)]-The Irrigation Officer shall not ordinarily sanction the application if (a) he anticipates that the supply of water for the irrigation of the crops according to the approved crop-pattern will be adversely affected thereby, or (b) in his opinion the applicants have not made suitable arrangements to deliver the water from the point at which it is supplied to the place for which application has been made for supply, or (c) he has good reason to anticipate that the water will be used for the irrigation of crop, or (d) it is likely to produce conditions dangerous to public health.

- 1. Order in which water has to be supplied –** the order in which water is to be supplied shall be decided by the Irrigation Officer.
- 2. Stoppage of supply of water –** [Section 22]- The supply of water may be stopped at any time if it is found that it is being misused.
- 3. Power to stop water-supply-**[Section 22]-(1) If it be proved after due enquiry, that the supply of water given to any applicant for his lands after due sanction is habitually wasted or used for the irrigation of land not covered by sanction, it shall be competent for the Collector to direct that the person shall not be allowed any supply of water for his land.

(2) In case of supply of water for crops other than staple cereal crops, no irrigation water shall be allowed to pass from a plot for which supply has been sanctioned to another plot not covered by sanction.

32. Application for selling or sub-letting water of an irrigation work – [Section 24]- (1) Where any local authority requires supply of water from an Irrigation work for the purpose of selling or sub-letting it to the public or a company or firm wants supply of water for selling or sub letting it to its employees, an application in form of a letter shall be made to the Collector concerned. The Collector after causing such enquiry as may be necessary and consulting the Irrigation Officer shall satisfy himself that the water is available for supply of the quantity required without the requirements of irrigation, other essential needs and commitments already made.

(2) The Collector may reject the application for supply of water or sanction the supply applied for wholly or in part and the orders so passed shall be communicated to the applicant. In case of sanction of the application in full or part, it shall be communicated to the applicant, with the direction to execute an agreement in Form 'L' by a specified date.

(3) The supply of water shall be made after execution of the agreement.

33. Water-rate leviable when crop sanctioned is not planted or fails and another crop is grown – When the approved crop is not grown or if grown fails, another crop requiring equal or less quantity of water may be sown in the same area; and provided water is available water shall be given to such second crop to the date up to which water would have been given to the crop sanctioned. No additional charge shall be levied if intimation shall have been given to the Irrigation Officer in writing within 8 days of planting the fresh crop and if the second crop is assessable at the same or lower rate than that of the sanctioned crop. If no such notice shall have been given, the irrigation of the second crop may be treated as unauthorized.

34. Water-rate leviable when mixed crops are grown – If mixed crops are grown in any part of a plot for any period, the water rate fixed for the highest rated crop so grown shall be charged for the whole plot for the whole period with respect to which such rate is leviable.

35. Furnishing of information regarding interruption or stoppage – [Section 25] – In case there is any failure, interruption or stoppage of water at the outlet, it shall be the duty of the persons affected thereby to report about such failure, interruption or stoppage within 24 hours from the time of occurrence to the Irrigation Officer. Failure to furnish the information in time shall not ordinarily entitle the persons affected to any remission provided under Section 25.

36. Application for remission – [Section 25] – Application for remission under Sub-section (1) and (2) of Section 25 shall be made to the Collector not less than 21 days before the crop is harvested. The application shall state *inter alia* –

- (a) the name of the main canal, distributary and the minor from which there is failure, stoppage or interruption of water supply;
- (b) point of failure, stoppage or interruption;
- (c) the details of the lands affected;
- (d) date of occurrence;
- (e) cause;
- (f) extent of failure of crop estimated; and
- (g) extent of remission claimed.

37. Owner or occupier to allow free passage of water over his land – [Section 26] – (1) The Irrigation Officer shall issue notice to each owner or occupier referred to in Sub-section (2) of Section 26 of the Act, to allow free passage of water through or over the lands

in his possession or control. In the said notice it shall be stipulated that if free passage of water is not allowed within a date specified in the notice, the Irrigation Officer shall take necessary steps to allow such passage and recover the cost to be incurred, if any in that behalf. If any owner or occupier fails to comply with by the date specified in the notice the Irrigation Officer shall execute the work for free passage of water and send a demand notice to owner or occupier to pay the cost of the work within the date specified in the demand notice.

(2) In case of failure to deposit the cost within the time-limit mentioned in the demand notice, it shall be recovered as arrears of land revenue.

CHAPTER – V

Levy of water-rate

- 38. Class of irrigation work subject to the compulsory basic water-rate** – [Section 27] – All lands under the culturable commanded area of the classes of irrigation work specified in Rule 18 when staple cereal crops are generally grown in the area shall be liable to compulsory basic water-rate.
- 39. Compulsory basic water-rate and water-rates how to be fixed** – [Section 27] – The compulsory basic water-rate and water-rates mentioned in the Schedule hereunto attached, is ordinarily the rate per acre of land irrigated or rate per unit quantity of water supplied.
- 40. Additional water-rate leviable, if any crop which requires more water than the staple cereal crop is grown during the base period of staple cereal crop** – [Section 27] – If any owner or occupier of land within the irrigable command of an irrigation work grows a crop which matures later than the staple cereal crop and requires water for its maturity beyond the period of supply fixed for each class of irrigation work in respect of staple cereal crop, it shall be charged additional water-rate for the additional supply of water at the rate of fifty naye paise per acre inch in addition to the compulsory basic water-rate. He shall inform the Irrigation Officer in writing in a fortnight before taking additional supply of water. If no such information in writing furnished the use of water shall be treated as unauthorized.
- 41. Particulars of low lands** – [Section 28] – Land where accumulation of water due to natural causes makes transplantation of Sarad paddy, at any time in the months of July and August impossible shall be entitled to the benefits under the first proviso to Section 28 of the Act.
- 42. Concessional compulsory basic water-rate for low land** – [Section 28] – Compulsory basic water-rates under the second proviso of Section 28 shall be half rate.
- 43. Rates for lift irrigation provided at the expense of owner or occupier** – [Section 28] – Compulsory basic water-rate under the third proviso to Section 28 shall be charged at half such rates.
- 44. Lands irrigated by existing private sources how to be assessed** – [Section 28]-(1) The estimated rate of the existing private source of irrigation shall be equal to the compulsory basic water-rate of the class of irrigation work to which the private irrigation source shall be classified by the Irrigation Officer according to the principles laid down in Rule 18.

(2) The Irrigation Officer before deciding the classification of any private irrigation source shall give reasonable opportunity to the owner of the said source as well as to the owners and occupiers of lands irrigated by source of being heard shall communicate his decision to them.

45. Assessment of compulsory basic water-rate-[Section 28]-(1) The Irrigation Officer shall classify the irrigation works under his charge according to the principles laid down in Rule 18 and fix the compulsory basic water-rate to be levied in respect of each individual work according to the classification arrived at. The amount of compulsory basic water-rate payable by each owner or occupier for his lands within the irrigable command shall, thereafter, be calculated keeping in view the principles laid down in Rules 41 to 44.

(2) The Irrigation Officer shall prepare a preliminary assessment toll of the compulsory basic water-rate for the lands in each village in respect of each irrigation work in form 'M'.

(3) A notice of preliminary assessment shall be served on each person liable to pay compulsory basic water-rate in respect of land or lands held by him in each village in Form 'N' specifying the date by which the objections to the proposed assessment, if any, may be preferred.

(4) On the expiry of the period specified in the notice under Sub-rule (3) the Irrigation Officer shall consider the objections, if any, received by him during such period and may make such enquiry as he may think fit.

(5) Any modification made by the Irrigation Officer in the list of preliminary assessment shall be initialed and dated by him. The list of preliminary assessment thus modified shall be final assessment list of compulsory basic water-rate of the village which shall be payable by the assessee.

(6) As soon as an objection filed against the preliminary assessment within the period specified in the notice issued under Sub-rule (3) has been disposed of, or, where no objection has been filed, as soon as the period specified for filing objection has elapsed, the Irrigation Officer shall cause a notice of demand of the amount of compulsory basic rate finally assessed under Section 28 to be served as nearly as possible in Form 'O' on every person liable to pay the same. If any objection has been preferred by any person in response to the notice of the preliminary assessment in Form 'N' served under Sub-rule (3), substance of the Irrigation Officer's decision on such objection shall be noted in remarks column of the notice of demand in Form 'O'.

(7) Any person seeking any exemption or grant of concession in respect of compulsory basic water-rate or water-rates as admissible, under Rules 41,42,43 and 44 shall apply in writing to the Irrigation Officer within 30 days from the date of cause of action giving full particulars of the land and the relief wanted. In case the grant of concession for land already getting water from an existing private source, the particulars of such irrigation source and the water-rate per acre, if any, paid for use of water shall also be mentioned in the application. The Irrigation Officer shall make or cause to be made such summary enquiry as he considers necessary and pass orders on the application; provided that due opportunity shall be afforded to the applicant and other persons interested for being heard before passing final orders.

46. Appeals in regard to final assessment [Section 29] – (1) An appeal under Section 29 shall be presented by the assessee or by his duly authorised agent by making in writing an application in duplicate to the ¹¹[Sub-divisional Officer] within 30 days of the date of service of demand notice under Sub-rule (6) of Rule 45 and shall be accompanied by an authenticated copy of the notice of demand which is appealed against; provided that on sufficient cause being shown the ¹¹[Sub-divisional Officer] may after expiry of 30 days admit an appeal.

(2) On receipt of the application, the ¹¹[Sub-divisional Officer] shall send to the Irrigation Officer, who made the assessment appealed against, a copy of the application and call for the latter's report thereon and the records of enquiry, if any, made by him under Sub-rule (4) of Rule 45. The Irrigation Officer shall submit to the ¹¹[Sub-divisional Officer] his report and other relevant papers, if any, within 15 days from the date of receipt of the ¹¹[Sub-divisional Officer's] requisition for the same.

(3) On receipt of the Irrigation Officer's report under Sub-rule (2) the ¹¹[Sub-divisional Officer] may after giving the appellant a reasonable opportunity of being heard for reasons to be recorded in writing, allow in part or full or reject the application or pass such other orders as he may deem fit.

(4) Pending consideration of the application, the ¹²[Sub-divisional Officer] may on sufficient grounds being shown stay recovery of the demand if not already paid. A copy of such stay order shall immediately be sent to the Irrigation Officer who made the assessment.

(5) An authenticated copy of the ¹²[Sub-divisional Officer's] final order in appeal shall be sent to the Irrigation Officer concerned within 7 days from the date of the passing of such order.

¹³[46-A. **Revision in regard to final assessment** – [Section 29-A] – (1) An application under Section 29-A shall be made by the person aggrieved or by his duly authorized agent to the Collector within a period of 60 days from the date of passing of such orders by the appellate authority with a certified copy of the order sought to be reviewed.

(2) Every revision petition shall be drawn up in the form of a memorandum signed and drafted by the petitioner or his authorised agent or his counsellor. The memorandum shall set forth concisely and under distinct head of the grounds of objection to the order sought to be revised and such grounds shall be numbered consecutively.

(3) If the revision petition is admitted, the Collector may call for the records from the officer against whose order the revision has been filed.

(4) Pending disposal of the revision petition operation of the order sought to be revised may, at the discretion of the authority hearing revision petition, be stayed.

(5) A notice of revision petition and date of its hearing shall be served on the respondent, if any, and reasonable opportunity shall be given to the parties to be heard in person or through his authorised agent before the final order in revision is passed.

(6) An authenticated copy of the final order in revision shall be sent to the Irrigation Officer concerned within 15 days from the date of passing such orders.

47. Levy of rates for unauthorized use of or waste of water – [Section 32] –(1) The rate for water used in unauthorized manner for irrigation of lands or misuse of water in excess of the requirements of the crops for which irrigation has been sanctioned shall be made at a rate not exceeding six times the compulsory basic water-rate payable for the lands under the culturable commanded area of the class of irrigation work from which the water is used.

(2) The rate for water used in unauthorized manner otherwise than irrigation shall be made having regard to the volume of water used and the benefit produced by such use at a rate not exceeding six times the bulk-rate fixed for filling of tanks in the Schedule attached to these rules .

(3) The charge for waste of water shall be made having regard to the volume of water wasted at a rate not exceeding six times the bulk-rate fixed for filling of tanks in the Schedule attached to these rules. For habitual wastage of water the charge shall be made at the maximum of the above prescribed rate.

(4) The Irrigation Officer on receipt of a report of unauthorized use of waste of water, shall after examination of such witnesses as he may consider necessary, record his orders

fixing the levy of rates for such unauthorized use or for wastage of water and the person or persons liable to pay the same, with the reasons therefor.

(5) The Irrigation Officer shall issue a demand notice alongwith a copy of the order passed by him to each person so assessed to make payment of the amount within a specified date not exceeding 30 days from the date of service of notice. The amount when paid shall be credited as irrigation revenue.

(6) An appeal may be filed before the Collector within 30 days of service of notice mentioned in Sub-rule (5). Collector may stay recovery of the assessment till the disposal of appeal.

(7) If the amount is not paid within 30 days of the service of notice mentioned in Sub-rule (5) or where an appeal has been filed and recovery is stayed within 30 days from the date of disposal of appeal by the Collector, it shall be recovered as arrears of land revenue with interest at 6 per cent per annum.

48. Compulsory basic water-rate and water-rates when payable – [Section 33] – The dates in each year for payment of compulsory basic water-rate and water-rates shall be –

For compulsory basic water-rate	The 31 st March.
For water-rate	30 th June except for Jute crop.
For water-rate for Jute crop	The 31 st March of the financial year during which the crop is harvested.

49. Proportion of liability for payment of water-rate [Section 35] – (1) The proportion of water-rate recoverable from an occupier who is a tenant protected under the Tenants' Relief Act, 1955 for lands in his occupation and owner shall respectively be 3/4th and 1/4th of the water-rate.

(2) Where the owner meets the whole or any part of the costs of cultivation according to the terms of a contract and the tenant is required to pay produce rent, as per the said contract, the owner shall be liable to pay, a part of the water-rate in such proportion as the produce rent taken by the owner bears to the total produce of the land during the year of levy.

50. Period of rebate to be granted – [Section 36] – (1) The period for grant of rebate in compulsory basic water-rate under Section 36 of the Act for all classes of irrigation works shall be for a period of 10 years from the date of completion of the irrigation work.

(2) Where names of persons who made the contribution are available from records without any semblance of doubt the rebate shall be granted to all such persons having lands in the culturable commanded area, otherwise the rebate shall be given to all owners and occupiers having land within the said area.

51. Exemption from compulsory basic water-rate and water-rates – [Section 37] – (1) The State Government may grant total or partial exemption from compulsory basic water-rate and water-rates in respect of lands within any block if they consider such exemption fair and equitable.

(2) Application for total or partial exemption shall be made to the ¹⁴[Sub-divisional Officer]. Such an application shall not be considered unless it reaches the ¹⁴[Sub-divisional Officer] at least two weeks before reaping of the crops for which exemption is applied for.

(3) The ¹⁴[Sub-divisional Officer] on receipt of the application under Sub-rule (2) may make or cause to be made a local enquiry to consider whether the extent of exemption applied for is justified. After making such enquiry he shall record his opinion and submit a report to the State Government for consideration. The State Government shall consider the same and may grant total or partial exemption from the compulsory basic water-rate and water-rates or refuse to grant any exemption according to the merit of the case. In case of grant of partial exemption the State Government may, under special circumstances stay the recovery of the balance to the next year :

¹⁴[Provided that where the State Government in exercise of powers conferred upon them under Sub-section (2) of Section 37 have delegated their power to the Sub-divisional Officer, the Sub-divisional Officer may dispose of the application for exemption himself without submitting his enquiry report to the State Government for consideration :

Provided further that no order shall be made in exercise of powers so delegated without the prior approval of the Collector and the Commissioner having jurisdiction in case of exemption of water-rate or cess in individual case in excess of Rs. 500.00 up to Rs. 1,000.00 and above Rs. 1,000.00 respectively].

CHAPTER VI

Penalties

- 52. Prohibition of passage on or across irrigation work [Section 39]** - Except when a public right of way exists, no person shall without the written permission of the Irrigation Officer, pass himself, cause any animal or vehicles to pass on or across any irrigation work, banks or channels of a canal or drainage work, except by means of such bridges, fords and ferries and their approaches as may have been provided for the purpose.

Any person committing a breach of this rule shall be liable to be prosecuted against under Clause (7) of Section 39 of the Act.

- 53. Prosecution for refusal to allow free passage of water [Section 39]** – No owner or occupier of land under the irrigable command of an irrigation work shall refuse to allow free passage of water through or over lands in his possession or control for purpose of irrigation or drainage of lands except when such free passage causes unnecessary loss or damage to his own land. For breach of this rule a penalty to the extent of Rs. 200 may be imposed.

- 54. Composition of offences – [Section 45]** – (1) When a person is reasonably suspected of having committed an offence punishable under the Act or these rules and an Irrigation Officer considers after making an enquiry that it may be compounded, he shall issue a notice in writing in Form ‘P’ under his signature to such person requiring him to attend at the time and place specified in the notice. The notice shall be served on the person concerned, by any person deputed by the Irrigation Officer. The person to whom the notice is tendered shall sign it or put his thumb mark thereon by way of acknowledgement and return it to the server. If he refuses to accept the notice or evades the service thereof, the server shall report the fact to the Irrigation Officer.

(2) When the person attends and is willing to compound, the Irrigation Officer shall fix the amount payable. Amount thus fixed shall be paid immediately or within such time as the Irrigation Officer may fix.

CHAPTER VII

Miscellaneous

55. Appointment of officers – [Section 46] – (1) The appointment of officers and investment of powers under Sub-section (1) of Section 46 shall be notified in the Official Gazette.

(2) An officer empowered under Sub-section (1) of Section 46 to appoint officers shall not make any appointment for which there is no sanction or create any new designation without the prior approval of the State Government.

56. Annual inspection of irrigation work for efficient maintenance – [Section 46] –

(1) In respect of irrigation works under the control of Works Department, the annual inspection of and submission of report on all such works to ensure their proper maintenance and repairs shall be according to the instructions issued from time to time by the State Government.

(2) Collectors shall remain in charge of the maintenance and repairs of all other irrigation works. For proper discharge of their responsibility Collectors shall maintain a complete list of all such irrigation works in the Form 'Q'.

(3) The Irrigation Officer shall inspect each irrigation work under his control at least once annually and submit a report to the Collector regarding the condition of the work. He shall indicate in his report as to whether the work needs repairs or not and if so, a brief description of repairs to be made. For the sufficient maintenance of irrigation works in the district, Collector shall maintain a permanent ledger showing the name of irrigation work, the amount of expenditure sanctioned and other details in Form 'R'.

(4) An annual report shall be submitted to the Board of Revenue by the 15th of April each year showing the following particulars :

- (i) The number of works reported during the year to be in need of repairs;
- (ii) The number of works in (i) above inspected by the Collector;
- (ii) The number of works found on actual inspection by the Collector not to require repairs;
- (iii) The number of works found to require repairs have been repaired; and
- (iv) Reason for not taking up or completing repairs of works requiring repairs.

57. Appeal – [Section 47] – (1) An appeal preferred under Section 47 shall be made in the form of a memorandum signed and dated by the appellant or his recognized agent or his counsel, The memorandum shall be accompanied by an authenticated copy of the order appealed against.

(2) in computing the period of 30 days prescribed in the Act, the time spent in obtaining a copy of the order appealed against shall be excluded.

58. Revision [Section 48] – The Board of Revenue or the Commissioner may, under Sub-section (1) of Section 48 call for and examine any record of the proceeding ¹⁵[* * *] under the Act or these rules or any officer subordinate to him either on an application of on his own motion. When records are called for by the Board of Revenue or Commissioner, a clear report on the facts of the case shall be submitted. Where record is called for on application, a report on the points raised in the application shall accompany the record.

59. Appeal under Section 54(5) – (1) An appeal if preferred under Sub-Section (5) of Section 54 shall lie to the Collector of the district.

(2) Any officer who is superior in rank to the Revenue Officer from whose order an appeal lies under Sub-Section (5) of Section 54 appointed by Government as an appellate authority under Section 54.

SCHEDULE

[Vide Rule 23]

Levy of water-rate for different classes of irrigation works and special rates for supply of water for purposes other than irrigation

A. *Kharif water-rate*

¹⁶ [Class of irrigation work (1)]	Rate per hectare per year (2)
	Rs.
1 st Class	250.00
2 nd Class	188.00
3 rd Class	125.00
4 th Class	63.00]

In respect of new irrigation works or irrigation works where compulsory basic water-rate will be levied for the first time, the following principles should be adopted :

- (a) In the first year when water is let out in ayacut Nil
- (b) In the second year when water is let out in ayacut 50 per cent of the appropriate rate.
- (c) In the third year when water is let out 75 per cent of the appropriate rate.
- (d) In the fourth year and thereafter per year 100 per cent of the appropriate rate.

In respect of the old irrigation works where water-rates have been in force hitherto, the following principles shall be adopted :

- (a) First year of enforcement of the provisions of the Orissa Irrigation Act, 1959 50 per cent of the appropriate rate or the rate already in force whichever is higher.
- (b) Second year of enforcement of the Act. 75 per cent of the appropriate rate or the rate already in force whichever is higher.
- (c) Third year of enforcement of the Act and thereafter per year 100 per cent of the appropriate rate.

B. Water-rates for crops other than the staple cereal crops

¹⁷ [Sl. No.]	Name of the crop	Rate per hectare per year (Amount in Rs.)
(1)	(2)	(3)
1	Dalua	450.00
2	Tobacco	420.00
3	Potato	280.00
4	Vegetables including peas	230.00
5	Onion	280.00
6	Wheat	170.00
7	Maize	140.00
8	Mung	28.00
9	Groundnut	170.00
10	Orchards	334.00
11	Sugarcane	500.00
12	Jute	84.00
13	Fodder	170.00
14	Pulses	60.00
15	Cotton	280.00
16	Til (Oil-seeds)	60.00
17	Betel Leaf	840.00
18	Arhar	170.00
19	Sunhemp	200.00
20	Chilly	170.00
21	Saru	840.00
22	Ragi	70.00
23	Mustard	60.00
24	Ganja	930.00]

In respect of new irrigation work or irrigation work where water-rate will be levied for the first time, the following principles shall be adopted

- | | | |
|-----|--|---------------------------------------|
| (a) | In the first year when water is let out in ayacut | Nil |
| (b) | In the second year when water is let out in ayacut | 50 per cent of the appropriate rate. |
| (c) | In the third year when water is let out | 75 per cent of the appropriate rate. |
| (d) | In the fourth year and thereafter per year | 100 per cent of the appropriate rate. |

In respect of the old irrigation works where water-rates have been in force hitherto, the following principles shall be adopted :

- | | | |
|-----|--|---|
| (a) | First year of enforcement of the provisions of the Orissa Irrigation Act, 1959 | 50 per cent of the appropriate rate or the rate already in forces, whichever is higher. |
| (b) | Second year of enforcement of the Act. | 75 per cent of the appropriate rate or the rate already in force, whichever is higher. |
| (c) | Third year of enforcement of the Act and thereafter per year | 100 per cent of the appropriate rate. |

¹⁸*[C. Special rates for purposes other than irrigation*

Item No.	Purpose for which supply is given	Rate	Per
(1)	(2)	(3)	(4)
1.	Bricks or tile making	6.00	1,000 bricks or tiles
2.	(i) For water actually used and consumed for industrial/commercial purpose	250.00	1,00,000 Gallons
	(ii) For water temporarily used for industrial/commercial purposes and discharged back unpolluted or after purification into Irrigation Project	60.00	1,00,000 Gallons

from which the same was drawn.

3.	For bulk supply to Municipalities and Notified Area Councils and other local authorities for drinking, washing etc.	30.00	10,000Cft.
4.	Construction of buildings	4.00	100 Cft.
5.	For filling tanks	30.00	10,000Cft.
6.	For filling tanks mainly for drinking purposes	15.00	10,000Cft.]

But filling tanks mainly for drinking purposes, half the rate in item 5 (i.e., Rs. 125 for 10,000 Cft.) shall be charged.]

FORM 'A'

[Vide Rule 4 of the Orissa Irrigation Rules, 1961]

Whereas the State Government proposes under Sub-section (3) of Section 5 of Orissa Irrigation Act, 1959 to construct/extend/improve the irrigation work known as the Project a description of which is hereby given in the Schedule hereto annexed, notice is hereby given that –

- (e) any person whose lands are likely to be affected by the proposed work or who is otherwise interested may present in writing any objection to or suggestion in respect of the proposed work in duplicate so as to reach the Collector on or before the 20..... (here specify the date which shall not be less than one month from the date of publication of this notification in the Gazette);
- (ii) objections and suggestions received will be kept open for inspection of the public in the office of the Collector for a period of fifteen days following the last date of receiving objections or suggestions mentioned above;
- (iii) objections presented under (i) shall be heard at a.m. on the 20..... (this date should not be less than fifteen days after the expiration of the period mentioned in Clause (ii) at (name of place or office).

SCHEDULE

Description of the proposed work

1. Name of the work
2. General description of work-illustrated in Index Map posted on the notice boards of the office of the Collector/Sub-divisional Officer/Panchayat Samiti and Grama panchayat. (Plans and descriptive notes can be seen in the office of the Collector From to on any working day during office hours).
3. Name of district(s), Sub-division(s), and Block(s) in which the work is proposed to be executed
4. Necessity or the purpose of the work
5. (i) Details of lands to be newly irrigated.....

(ii) Details of lands in respect of which better irrigation facilities will be provided

6. Names of the villages likely to be adversely affected and the approximate area in each village likely to be adversely affected
7. Approximate cost of the work
8. Approximate compulsory basic water-rate per acre leviable in year on the lands, likely to be benefited by the work –
 - (i) for lands to be newly irrigated;
 - (ii) for lands in respect of which better irrigation facilities will be provided. (The difference between the rate to be levied after improvement or extension is done and the existing rate).
9. Approximate annual gross income from compulsory basic water-rate and water-rates-
 - (i) for lands to be newly irrigated;
 - (ii) for lands in respect of which better irrigation facilities will be provided. (The difference between the rate to be levied after improvement or extension is done and the existing rate).
10. [Omitted]
11. Remarks.

By order of the Governor
Secretary to Government

FORM 'AA'

[Vide Rule 4-A of the Orissa Irrigation Rules, 1961]

Whereas it is proposed under Sub-section (3) of Section 5 of Orissa Irrigation Act, 1959 to construct/extend/improve the minor irrigation work known as the project a description of which is hereby given in the Schedule hereto annexed, notice is hereby given that –

- (i) any person whose lands are likely to be affected by the proposed work or who is otherwise interested may present in writing any objection to or suggestion in respect of the proposed work in duplicate so as to reach the Block Development Officeron or before the 20.....(here specify the date which shall not be less than one week from the date of publication of this notice in the notice board);
- (ii) objections and suggestions received will be kept open for inspection of the public in the office of the undersigned till their disposal by competent authority.

SCHEDULE

Description of the proposed work

- 1. Name of the work
- 2. General description of work – Illustrated in Index Map pasted on the notice board of the office of the undersigned and Grama Panchayat.

(Plans and descriptive notes can be seen in the office of the undersigned from to on any working day during office hours).....
- 3. Name of districts Sub-division and Block in which the work is proposed to be executed.....
- 4. Necessity or the purpose of the work
- 5. Names of the villages likely to be benefited and the approximate area of land in each village likely to be benefited –
 - (i) lands to be newly irrigated
 - (ii) lands in respect of which better irrigation facilities will be provided

6. Names of the villages likely to be adversely affected and the approximate area in each village likely to be adversely affected
7. Approximate cost of the work
8. Approximate compulsory basic water-rate per acre leviable in year on the lands likely to be benefited by the work –
 - (i) for lands to be newly irrigated
 - (ii) for lands in respect of which better irrigation facilities will be provided

(The difference between the rate to be levied after improvement or extension is done and the existing rate).
9. Approximate annual gross income compulsory basis water-rate and water-rate
10. Remarks

Block Development Officer

FORM 'B'

Notification under Rule 6 of the Orissa Irrigation Rules, 1961

In pursuance of Rule 6 of the Orissa Irrigation Rules, 1961 the State Government after considering the report and recommendation of the Collector, decide that the work as specified in Notification No..... dated..... shall not be executed/ shall be executed without any modification /with the modification specified in the Schedule hereto annexed.

SCHEDULE

By order of the Governor
Secretary to Government

FORM 'BB'

Decision under Rule 6-A of the Orissa Irrigation Rules, 1961

In pursuance of Rule 6-A of the Orissa Irrigation Rules, 1961 the competent authority after considering the report and recommendation of the undersigned has decided that the work the description of which is given in the enclosed statement (a copy of schedule published with the notice in Form 'AA' is to be enclosed) shall not be executed/ shall be executed without any modification/ with modification specified, in the Schedule hereto annexed.

SCHEDULE

Block Development Officer

FORM 'C'

[Vide Rule 9 (2)]

Notice for construction of water-courses

Notice is hereby given to the villagers of of Grama Panchayat that alignments of water-courses in respect of Block Nos..... have been marked on the ground and the names of persons whose lands will be benefited by irrigation works are furnished in the Schedule attached hereunto. They shall complete the construction of water-courses as per specifications given hereunder individually in their respective lands or jointly the whole system of water-courses including those on Government and common lands by (date) failing which they will be liable for suitable action under the provisions of the Orissa Irrigation Act, 1959.

Specification - Top width

 Bottom width

 Depth

 Provision of crossings (if any)

Irrigation Officer

Place

Date.....

(Seal)

SCHEDULE

Block No.	Name of person	Father's name	Area of land benefited in the Block	Remarks
1	2	3	4	5

FORM 'D'

[Vide Rule 11]

Application for construction/extension/improvement/alteration of a water-course

To

The Irrigation Officer,

Sir, I..... son of owner of Plot No.....Khata No..... Touzi No..... in village Thana.....district..... beg to apply for grant of permission to construct /extend/improve/alter the water-course specified in the statement below:

1. Name of the applicant and address.....
2. Area of cultivable and waste land held by the owner (details of each plot should be furnished)
3. Description of the water-course to be constructed/extended/improved/alterd.....
4. Particulars of the land over which the water-course is proposed to be constructed/extended/improved/alterd with the name/names of the owner(s).....
5. Whether the water-course is proposed to be constructed/extended/improved/alterd by the applicant by private arrangement with the owners of lands affected by the water-course.....
6. If so, whether agreement has been taken from the land owners affected (the written agreement is to be filed with the application)
7. Estimated cost.....
8. Mode of execution.....
9. Time by which the work of construction/extension/improvements/alteration of the water-course is to be completed
10. (a) Whether the interests of other lands will be affected.....
(b) If so, give details.....
(c) Steps proposed to be taken to safeguard their interests

(d) Whether the owners of the land affected are agreeable to the arrangement proposed to be made to safeguard their interests (written agreement should be filed along with the application)

11. If the work of construction/extension/improvement/alteration of the water-course is applied for execution at Government cost, whether the owner is agreeable to bear the entire cost.....

12. Any other matter which the applicant desires to mention.....

Signature or thumb impression of applicant

FORM 'E'
[Vide Rule 12]

Permission to construct/extend/improve/alter a water-course

1. Name of the applicant.....
2. Description of the water-course to be constructed / extended / improved / altered ...
.....
3. Details of land over which the water-course is to be constructed/ extended/ improved/
altered.....
4. Time by which the work of construction/extension/improvement/alteration of the
water-course is to be completed.....
5. Conditions, if any, on which permission is granted.....
6. Remarks.....

Irrigation Officer

FORM 'F'

[Vide Rule 13 (2) of the Orissa Irrigation Rules, 1961]

Notice is hereby given to the villagers of of Grama Panchayat that Shri of village has applied for construction, extension, improvement or alteration of a water-course through Government agency and he is ready to defray all the expenses necessary for the work. The alignments of the water-course have been marked out on the ground and the names of persons whose lands will be irrigated or affected by the work are furnished in the Schedule attached hereunder. Any person who wishes to have for his lands the benefit of the water-course may make his application in that behalf to the undersigned within thirty days of the publication of this notice. He may also appear before the undersigned within fifteen days from the date of submission of the application on any working day during office hours. If any applicant appears and his application is allowed, he shall be liable to pay his share as may be decided by the undersigned in construction, extension, improvement or alteration of such water-course and the cost of land acquisition, if any.

Place.....

(Seal)

Date.....

Irrigation Officer

SCHEDULE

Block No.	Name of person	Father's name	Area in acres to be irrigated by the proposed water-course	Area in acres, if any, affected by the proposed water-course	Remarks
1	2	3	4	5	6

FORM 'G'

[Vide Rule 24 (2) of the Orissa Irrigation Rules, 1961]

Form of application for supply of water for crop

To

The Irrigation Officer.....

Sir,

I..... son of resident of village..... Police station..... Sub-division/Taluk..... District..... make this application for the supply of water from..... canal irrigation work during the period fromto Subject to all the conditions specified below for the purpose of irrigating the land hereafter described –

Name of applicant	Name of village in which the land is situated	Distribution		Plot No. and Khata No. etc.	Approximate area	Remarks
		Channel	Outlet No.			
1	2	3	4	5	6	7

-
2. I am of the land for which water has been applied for.
 3. I agree to prevent water being wasted or used in an unauthorized manner.
 4. I agree to pay for the supply of water whether used or not at the rate and on the date fixed by Government for the purpose.
 5. I agree that water will be supplied at such times and in such quantities as you may order and that any sums due from me which are not paid by the date fixed will be recoverable from me or my successor as arrears of land revenue with interest at 6 per cent per annum.

6. I know that no suit for compensation lies either against the State Government or its officer in connection with any application for supply of water and an order passed thereon.
7. I agree to abide by all the provisions of the Orissa Irrigation Act, 1959 and the rules framed thereunder.
8. I agree to abide by all the conditions that may be imposed by you regarding supply and use of water. I agree that fraction of a decimal exceeding one-half will be treated as one decimal.
9. Date of application

Signature or left-hand thumb

Signature or left-hand thumb

Impression of witness

Impression of the applicant

Address.....

Memo No.....

Date.....

Forwarded to..... for enquiry and report.

Irrigation Officer

(To be filled in by the Enquiring Officer)

1. Date of receipt of application.....
2. Whether all details furnished in the application are correct..... If not, the discrepancies, if any, should be noted.....
3. Whether the supply can be made from the irrigation work/outlet specified, if not, from what outlet should supply be made.....
4. The actual area as ascertained by measurement for which supply can be made for the irrigation of the crop
5. The applicant is/is not a defaulter in respect of land revenue/compulsory basic water-rate / water-rate

6. Recommended for issue of permit or rejection for the reasons that
.....

Date.....

Enquiring Officer

Order of Irrigation Officer

Irrigation Officer

Permit No..... of 20..... Issued.

Intimation regarding rejection of the application given under No.....
date.....

Irrigation Officer

FORM 'H'

[Vide Rule 25 (3) of the Orissa Irrigation Rules, 1961]

Permit for supply of water..... crop

To

..... Name of the applicant

..... Village

..... Police Station

..... Post Office

..... District

This is to inform you that on the application submitted by you on
..... water will be supplied to your land (Plot No measuring
..... acre..... Dec.) in..... village for irrigation of
..... crop during the period from tofrom
..... Irrigation work/distributary ofcanal.

You should take steps to prevent water being wasted or used in an
unauthorized manner. The water-rates of Rs..... at the rate of
Rs..... per acre due on this permit are payable by you on or before
..... to

Irrigation Officer

Copy forwarded to the for information and necessary action.

Irrigation Officer

FORM 'I'

[Vide Rule 25 (3) of the Orissa Irrigation Rules, 1961]

**Intimation to the applicant when the application for the
crop is rejected.**

1. Application No.....
2. Date of receipt of the application
3. Name of application.....
4. Name of irrigation work/canal
5. Distributary No. and Outlet No., if any
6. Village and Plot No.....
7. Area demanding irrigation
8. Period of supply from to
9. Reasons for rejection

Irrigation Officer

FORM 'J'

[Vide Rule 26 of the Orissa Irrigation Rules, 1961]

Application for supply of water to be used for purposes other than those of irrigation

Original (1)	Duplicate (2)	Triplicate (3)
1. Name of village	1. Name of village	1. Name of village
2. Work under which situated	2. Work under which situated	2. Work under which situated
3. Name of the distributary or minor from which water is required	3. Name of the distributary or minor from which water is required	3. Name of the distributary or minor from which water is required
4. Distance of outlet from which water is required	4. Distance of outlet from which water is required	4. Distance of outlet from which water is required
5. Purpose for which water is required	5. Purpose for which water is required	5. Purpose for which water is required
6. Approximate volume of water wanted	6. Approximate volume of water wanted	6. Approximate volume of water wanted
7. Date from and period for which water is required	7. Date from and period for which water is required	7. Date from and period for which water is required
8. Name of applicant	8. Brief abstract of Enquiring Officer's report	8. Date of submission of application
	9. Order of the Irrigation Officer	

I, the undersigned, require water for the purpose noted above and agree to pay for it at the rate fixed for the purposes. I understand that water will be issued at such times and in such quantities as the Irrigation Officer may order and that any sums due from me which are not paid by the date fixed will be recoverable as arrears of land revenue. I also know that no suit for compensation lies either against the State Government or its officers in connection with my application for the supply of water and any order passed thereon.

I agree to abide by the conditions that may be imposed by the Irrigation Officer regarding supply and use of water.

Reported by Enquiring Officer –

- (1) Can the supply be made without affecting the supply of water for the irrigation of the crops according to approved crop pattern.
- (2) Can the source be filled in from the outlets specified.
- (3) If not, from what outlet should be supply be made.

(Words not required to be scored off)

Date.....

Officer

Signature/thumb impression of applicant and address
applicant

Date.....

Signature of the Enquiring

Order of the Irrigation Officer

Signature / thumb impression of

FORM 'K'

[Vide Rule 27 (2) of the Orissa Irrigation Rules, 1961]

Agreement for the supply of water for purposes other than irrigation

THIS AGREEMENT is made on the Day of two thousand and
BETWEEN Shri son of resident of village P.S..... district..... by profession (hereinafter called 'the applicant') of the first part; AND (i) Shri.....son of resident of village.....P.S..... district.....by profession(ii) Shrison of resident of village.....P.S..... district..... by profession (Sureties)(hereinafter referred to as Sureties) of the second part; and the Governor of Orissa which expression unless repugnant to the context shall include his successors and assigns (hereinafter called 'the Governor' of the third part;

WHEREAS the applicant has made an application for supply of water from irrigation work for the purpose of;

AND WHEREAS the sureties have agreed to give security for payment of rates leviable for such supply in the manner hereinafter appearing and the Irrigation Officer on behalf of the Governor has agreed to supply the water in the manner specified in the Schedule below :

SCHEDULE

Purpose for which water will be supplied	Volume of water, if any	Period of supply	The place of which it will be supplied

NOW THIS AGREEMENT witnesseth as follows :

- (1) In Pursuance of the said agreement and in consideration of supply of water to be made to the applicant, the applicant and the sureties hereby jointly and severally covenant with the Governor as follows :

(a) The applicant shall pay Rs..... at the rate of Rs..... per on or before to.....;

(b) The applicant shall make suitable arrangement to take the water from the point at which it will be supplied

¹⁹[(b-1) The applicant shall make his own arrangement to install the water metre. Assessment of water-rate will be made normally according to metre reading. In the event of the metre going out of order, the applicant shall notify the fact to the Irrigation Officer and take steps for repair or replacement of the metre, failing which the water supply will be discontinued. Assessment of water-rate during the period of non-functioning of the metre shall be on the basis of average consumption of water made during three immediate preceding quarters when the metre was functioning normally or, where the metre has functioned for less than three quarters, on the basis of average consumption during the preceding quarter or quarters, as the case may be ;

(c) the applicant shall not use the water supplied to him for any purpose other than that which is covered by this agreement ;

(2) If the sum aforesaid or any part thereof, is not paid on or before the date specified in this agreement, it shall become payable at once (unless the Irrigation Officer sanctions, for special reasons, an extension of time) and the applicant and the sureties shall be liable jointly and severally to pay the same with interest at the rate of six per cent per annum from the date of default ;

(3) It is hereby expressly agreed and declared by and between the parties hereto that all amount due to the Government under the terms of these presents shall, if not paid in time, be recoverable as arrears of land revenue and shall bear interest at the rate of 6 per cent per annum from the date of such payments fell due up to the date of payment ;

(4) Notwithstanding anything contained in these presents the applicant and the sureties shall be jointly and severally liable for the payment of Government dues on account of supply of water under this agreement and of penalty for breach of any of the conditions of this agreement of the provisions of the Orissa Irrigation Act, 1959 or the rules made thereunder.

In witness whereof the parties hereto have put their hands and seals, the day and year first above-written.

Signature of applicant

In the presence of witnesses:

Signature of sureties

1.

1.

2.

2.

In the presence of witnesses:

Signature of Irrigation Officer
acting in the premises for and on
behalf of the Governor of Orissa]

1.

2.

FORM 'L'

[Vide Rule 32 (2) of the Orissa Irrigation Rules, 1961]

Agreement for the supply of water for the purpose of selling and sub-letting

This agreement is made on theday of two thousand andBetween Shri.....son of.....resident of village.....P.S..... district.....by profession.....(hereinafter called 'the applicant') of the first part, and the Governor of Orissa which expression unless repugnant to the context shall include his successors and assigns (hereinafter called 'the Governor') of the second part;

Whereas the applicant has made an application for supply of water fromirrigation work for the purpose of selling and sub-letting to.....;

And whereas the Irrigation Officer on behalf of the Governor has agreed to supply the water in the manner specified in the Schedule below :

SCHEDULE

Purpose for which water will be supplied	Volume of water, if any	Period of supply	The place of which it will be supplied

NOW THIS AGREEMENT witnesseth as follows :

- (1) In pursuance of the said agreement and in consideration of supply of water to be made to the applicant covenants with the Governor as follows :
 - (a) The applicant shall pay Rs.....at the rate of Rs.....peron or before.....to.....
 - (b) The applicant shall make suitable arrangement to take the water from the point at which it will be supplied.

- (c) The applicant shall not use the water supplied to him for any purpose other than that which is covered by this agreement.
2. If the sum aforesaid or any part thereof, is not paid on or before the date specified in this agreement it shall become payable at once (unless the Irrigation Officer sanctions, for special reasons an extension of time) and the applicant shall be liable to pay the same with interest at the rate of six per cent per annum from the date of default.
 3. It is hereby expressly agreed and declared by and between the parties hereto that all amount due to Government under the terms of these presents shall, if not paid in time, be recoverable as arrears of land revenue and shall bear interest at the rate of 6 per cent per annum from the date such payments fall due up to the date of payment.
 4. Notwithstanding anything contained in these presents the applicant shall be liable for the payment of Government dues on account of supply of water under the agreement and of penalty for breach of any of the conditions of this agreement or of the provisions of the Orissa Irrigation act, 1959 or the rules made thereunder.

In witness whereof the parties hereto have put their hands and seals the day and year first above-written.

In the presence of witnesses:

Signature of the applicant

1.

2.

In the presence of witnesses:
Officer

Signature of Irrigation

acting in the premises
for and on behalf of the
Governor of Orissa]

1.

2.

FORM 'M'

[See Rule 45 (2)]

Preliminary assessment roll of the compulsory basic water-rate under Sec.28 of the Orissa Irrigation Act, 1959

Name of Irrigation Work.....Class of Irrigation Work.....Village.....Police Station.....

District.....

Lands with names of persons liable to pay compulsory basic water-rate annually, commencing from the year 20.....

Serial No.	Khata or Holding No.	Plot No.	Area	Compulsory basic water-rate leviable per acre	Area in acres subject of full rate	Amount of basic water-rate leviable	Area subjected to concessional rate under Rule41/42/43/44	Amount leviable	Name of owner or owners and amount payable by him/them	Name of occupier and the amount payable by him	Remarks
1	2	3	4	5	6	7	8	9	10	11	12

A.D

Rs. P

A.D

Year Rs.P.

A.D

1st year
2nd year
3rd year/and thereafter*
4th year/and thereafter*

Concessional rate per acre

Year

Rs. P

Name

Area

Year

Rs. P

Name

Area

Year

Rs. P

FORM 'N'

[See Rule 45 (3)]

Notice of preliminary assessment under Section 28 of the Orissa Irrigation Act, 1959

No.....

Date.....

To

Shri.....

Father's name.....

Address.....

Take notice that the land/lands specified in the Schedule below of which you are the owner/occupier are liable for the payment of compulsory basic water-rate/under the above mentioned Act annually commencing from the year 20..... at the rates noted against each. You may file before the undersigned your written objections, if any, to this preliminary assessment within thirty days from the date of service of the notice.

SCHEDULE

Name of Irrigation work				Class of Irrigation Work						
Village			Police Station				District			
Serial No. of the assessment list of the village	Plot No and Khatian No.	Area in acres and decimal	Rate of compulsory basic water-rate leviable per acre	Areas in acres subjected to compulsory basic water-rate at full rate	Areas in acres subjected to compulsory basic water- rate at concessional rate	Year of levy	Amount of compulsory basic water-rate leviable in respect of the area referred to in column5	Amount of compulsory basic water-rate leviable in respect of the area referred to in column6	Total amount of compulsory basic water-rate leviable (8&9)	Remarks
1	2	3	4	5	6	7	8	9	10	11
			1 st year 2 nd year 3 rd year & thereafter* 4 th year & thereafter*	Rs. P.	Rule Rate AD		Rs. P.		Rs. P.	Rs. P.

* Strike out what is unnecessary

Signature of Irrigation Officer

FORM 'O'

[See Rule 45 (6)]

Notice of demand under Sub-rule (6) of Rule 45 of the Orissa Irrigation Rules, 1961

Office of.....

No.....

Date.....

To

Shri.....

Father's name.....

Address.....

Take notice that in respect of the land/lands of which you are the owner/occupier and particulars of which are given below, compulsory basic water-rate as specified below has been finally assessed as being payable by you and that you are hereby required to pay the amount due by the 1st February every year to the ²⁰[Executive Engineer]/NaibTahsildar of.....

Name of Irrigation work.....

Class of Irrigation work.....

Village.....

Police Station.....

District.....

Serial No. of the assessment list of the village	Plot No. and Khatian No.	Area in acres	Rate of compulsory basic water-rate fixed under Sec. 28		Total amount of compulsory water-rate finally assessed under Sec. 28		Remarks
			A.D.	Rs. P.	Rs.	P.	
1	2	3	4	5	6		
			1 st year				
			2 nd year				
			3 rd year and thereafter*				
			4 th year and thereafter*				
			Signature				
			Designation of the Officer				
			issuing the notice of demand				

FORM 'P'

[Vide Rule 54 of the Orissa Irrigation Rules, 1961]

Notice

To

Shri.....
Son of
Village.....
P.S.....
District.....

Whereas complaint has been made before me that you.....(here state the facts of the offence) and thereby committed an offence punishable under Section...../under Rule..... of the Orissa Irrigation Act, 1959/Orissa Irrigation Rules, 1961; and whereas upon an enquiry made by me I have reasonable belief that you have committed and offence punishable under Section /under Rule..... of the Orissa Irrigation Act, 1959/ Orissa Irrigation Rules, 1961;

Now, therefore, in pursuance of Rule 54 of the Orissa Irrigation Rules, 1961, this notice is hereby given requiring you to attend my office at a.m. on.....at..... (place).

Date.....

Irrigation Officer

FORM 'Q'

[Vide Rule 56 (2) of the Orissa Irrigation Rules, 1961]

List of irrigation works

District.....

Sub-division/ Taluk

Number and name of village	Name of work	Culturable commanded area	Permanent ledger		Remarks
			Volume	Page	
1	2	3	4	5	6
		A.			D.

Instructions – The list will form an index to the permanent ledger (Form 'R'). The villages should be arranged alphabetically under each Sub-division/taluk.

FORM 'R'

[Vide Rule 56 (3) of the Orissa Irrigation Rules, 1961]

Permanent ledger of irrigation works

Sub-division / Taluk

Village } Survey Number.....
 Name.....

Name of work.....

Class, capacity nature of work

Total culturable commanded area and assessment	Acres	Acres	Acres
	Rs. P.	Rs. P.	Rs. P.

Year of sanction of estimate	No. and date of sanction of estimate and its nature ; i.e., original works or repairs and maintenance	Brief description of nature of repair	Amount of estimate and year in which funds were actually allotted	Amount actually spent in			Remarks
				Year	Year	Year	
1	2	3	4	5	6	7	8

By order of the Governor

Secretary to Government

FORM 'S'

[See Sub-rules (2) (a) and (3) of Rule 23-A]

Application for drawing/lifting of water from Government water source to be used for industrial/commercial purposes

- | | |
|---|---|
| 1. Name of village..... | 1. Name of village..... |
| 2. Name of source required for use of water | 2. Name of source required for use of water |
| 3. Particular place with Plot No. from which water is required to be drawn | 3. Particular place with Plot No. from which water is required to be drawn |
| 4. If any adjoining land in which it is required to install pump and lay pipe lines, etc. (Khata No., Plot No., Kissam and extent of land with a trace map) | 4. If any adjoining land in which it is required to install pump and lay pipe lines, etc. (Khata No., Plot No., Kissam and extent of land with a trace map) |
| 5. Purpose for which water is required | 5. Purpose for which water is required |
| 6. Approximate volume of water required..... | 6. Approximate volume of water required..... |
| 7. Date from and period for which water is required | 7. Date from and period for which water is required |
| 8. Name of the applicant | |

Undertaking

I, the undersigned require water for the purpose noted above and agree to pay the required licence fee for it at the rate specified for the purpose. I understand that water will be issued at such times and in such quantities as the ²¹[Executive Engineer] may by order direct and that any sum due from me shall be recoverable as arrears of land revenue. I also know that no suit for compensation

lies either against the State Government nor its officers in connection with my application for supply of water and any order passed thereon.

The water so taken for use will not be in any way detrimental to the interest of general public and their riparian rights and to the environment.

I agree to abide by the conditions that may be imposed by the ²¹[Executive Engineer] regarding drawal and use of water from Government source.

Signature/Thumb Impression

of the applicant

FORM S -1

[See Rule 23-A (2) (d)]

1. Name of village.....
2. Name of source required for use of water.....
3. Particular place with Plot No. from which water is required to be drawn
4. If any adjoining land in which it is required to install pump and lay pile lines, etc. (Khata No., Plot No., Kissam and extent of land with trace map)
5. Purpose for which water is required
6. Approximate volume of water required.....
7. Date from and period for which water is required
8. Date of submission of application.....

Report of the Enquiring Officer

1. Whether the supply of water will not be in any way detrimental to the interest of the villagers riparian rights and environment.....
2. Whether the source capable of supply of volume of water required by the applicant
3. If the source is not capable of supply of required volume of water, whether the same can be met from some other points of the same Government source.....

Signature of the Enquiring Officer

FORM 'T'

[See Rule 23-A (2) (f)]

Agreement

THIS AGREEMENT IS made on the day ofNineteen hundred ninety-four BETWEEN Shri..... I son ofresident of villageP.S.....district.....by profession (hereinafter called the "Applicant") of the first part AND (1) Shri..... son of.....resident of village P.S..... district by professionand (2) Shri son of resident of village P.Sdistrict by profession(hereinafter referred to as the "Sureties") of the second part AND the Governor of Orissa which expression unless repugnant to the context shall include his successors and assigns (hereinafter called "the Government") of the third part.

WHEREAS the applicant has made an application for supply of water from..... source..... for the period as mentioned in the Schedule;

AND WHEREAS the sureties have agreed to stand surety for payment of rates charged for such supply in the manner hereinafter appearing and the Government has agreed to supply the water for the purpose specified in the Schedule.

SCHEDULE

Purpose for which water will be supplied	Volume of water, if any	Period of supply	The place at which it will be supplied
1	2	3	4

NOW THIS AGREEMENT WITNESSETH as follows :

1. In pursuance of the said agreement and in consideration of supply of water to be made to the applicant, the applicant and the sureties hereby jointly and severally covenant with the Government as follows:

(a) The applicant shall pay Rs.....at the rate of Rs..... per on or beforeto.....

(b) The applicant shall make suitable arrangement to take the water from the Government water source at which it will be supplied ;

(c) The applicant shall not use the water supplied to him for any purpose other than that which is specified in the Schedule.

2. If the sum aforesaid or any part thereof, is not paid on or before the date specified in this agreement it shall become payable at once (unless the Government sanctions for special reason an extension of time) and the applicant and the sureties shall be liable jointly and severally to pay the same with interest at the rate of 2 per cent *per mensem* from the date of default.

3. IT IS HEREBY EXPRESSLY AGREED AND DECLARED BY AND BETWEEN THE PARTIES HERETO that all amount due to the Government under the terms of these presents shall if not paid in time, be recoverable as a public demand under the Orissa Public Demands Recovery Act, 1962 and shall bear interest at the rate of 2 per cent *per mensem* from the date such payments fall due up to the date of payment.

4. (i) The applicant shall be liable for criminal and civil action if by drawal of water rights of any third party are affected and shall indemnify the Government against all claims for damage preferred by person or persons affected by the permission granted.

(ii) The applicant shall not without prior permission in writing from the Government lay pipe line on Government or communal lands. If the pipe lines have to pass through Government lands permission of the Government for this shall be taken separately which may be granted subject to the protection of rights of Government or community, as the case may be.

(iii) The applicant shall not draw or lift water more than the quantity mentioned in the requisition or order and not exceeding the volume mentioned in the Schedule except with the prior approval of the Government.

(iv) The permission granted shall not be deemed to exempt the applicant from liability to payment of water charges lawfully assessable.

(v) Government reserves the right to suspend or cancel the permission in case of violation of any of the conditions.

5. The licence fee shall be charged on the applicant at the rate of Rs. 200 per 1,00,000 (one lakh) gallons water so drawn, or lifted by him or at such rates as may be prescribed by the Government from time to time which shall be binding on the applicant. In case of excess use of

water by the applicant a penalty shall be levied having regard to the volume of water used and the benefit produced by such use at a rate not exceeding six times the rate so specified.

6. The applicant at his own cost install a meter/gauge for measurement of water drawn or lifted by him from the natural source and an intimation to this effect shall be forwarded to the ²²[Executive Engineer] concerned for assessment of water-rate on such drawal and lifting. The ²²[Executive Engineer] shall visit the location of drawal and lifting of water, verify the quantities of water drawn or lifted by the applicant and ensure such control as may be necessary for administering the drawal or lifting of water.

7. The applicant shall construct full proof effluent discharge plant before commissioning of the project. For proper test of such effluent there shall be computerized testing system and the applicant shall give details of effluent discharged in the natural source (in river and nala).

8. The applicant and the sureties shall be jointly and severally liable for the payment of Government dues on account of drawal and lifting of water under this agreement and for penalty for breach of any of the provisions of the Orissa Irrigation Act, 1959 and the Rules made thereunder.

In witness thereof the parties hereto have put their hands and seals the day and year first above-writtten.

In the presence of witnesses:

Signature of applicants

1.

1.

2.

2.

In the presence of witnesses:

Signature of sureties

1.

1.

2.

2.

In the presence of witnesses:

Signature of the ²³[Executive Engineer]

1.

acting in the premises for

2.

and on behalf of the

Governor of Orissa

FORM 'U'

[See Rule 23-A (2) (i)]

**Proposed rate of licence fee for industrial/commercial use of water from
Government water sources**

Item No.	Purpose of which supply is given	Rate (Rs.)	Per
1.	Bricks or tile making	5.00	1,000 bricks or tiles
2.	(i) For water actually used and consumed for industrial/commercial purposes	200.00	1,00,000 gallons (1 gallon – 4.5 litres)
	(ii) For water temporarily used for industrial/commercial purposes and discharged back unpolluted or after purification into Government source from which the same was drawn or any other Government source from which water is supplied.	50.00	1,00,000 gallons
3.	For bulk supply to Municipalities and Notified Area Councils and other local authorities for drinking, washing etc.	25.00	10,000 cft.
4.	Construction of building	3.00	100 cft.

FORM 'V'
[See Rule 23-A (2)(i)]
Notice of demand

Office of the ²⁴[Executive Engineer]

No.....

Date.....

To

M/s.....

(Name of the industrial/
Commercial establishment)

Notice is hereby given that you have been drawing/lifting water from the Government water sources as shown in the Scheduled below for use in your industrial/commercial (specify) establishment during the month of you have consumed gallons/litres of water in your industrial/commercial establishment .For such consumption of water you have been assessed with an amount as shown in the Schedule below towards the licence fees in pursuance of the agreement.

You are hereby directed to deposit the fees so assessed in the office of the Revenue Inspectors noted below by failing which action as deemed proper under the provisions of the Act and rules shall be taken against you.

Name of the office of the

Revenue Inspector

.....

SCHEDULE

Name of the Government water source and village	Khata/ Plot No.	Quantum of water drawn during the month	Rate of licence fee	Total amount assessed	Remarks
(1)	(2)	(3)	(4)	(5)	(6)

²⁵[FORM 'W']

[See Rule 21 (1)]

AN AGREEMENT

THIS AGREEMENT made on theBETWEEN the Governor of Orissa (hereinafter called the 'Government') of the one part and the Water Users' Association (Registration No.....) which is registered under the Societies Registration Act, 1860 and having its head office at Post Office Tahasil P.S..... (hereinafter called the "Water Users' Association") of the other part ;

WHEREAS for the purpose of smooth participation in irrigation work including maintenance thereof, the government is handing over the responsibility of Irrigation Management for equi-distribution of water in an area of Ha. of land under the command of the distribution system within the Water Users' Association and the maintenance of minor/sub-minor including structures of (i)Km. length of Canal (ii)Km. of..... Canal and (iii).....Km. of..... Canal ofIrrigation Project belonging to the Department of Water Resources to the Water Users' Association on certain terms and conditions as hereinafter appearing ; (A copy of the map showing the said command area with the land schedule and land plan of acquired land by Department of water Resources, hydraulic particulars of each canal system, structure details in each canal and with such other related property list as may be in the account of the concerned canals are annexed herewith).

NOW THEREFORE, the parties hereto/ hereby agree as follows :

1. GOVERNMENT (PROJECT OFFICIALS) RIGHTS AND RESPONSIBILITIES OF THE GOVERNMENT :

- (a) The Government will operate the head works, the main system and the head regulator of the minor/sub-minor.
- (b) It may suggest improvements, if any, for operation and maintenance below the minor or sub-minor which is turned over to the Water Users' Association.
- (c) It will ensure supply of the allocated quota of water to the Water Users' Association at minor/sub-minor head as agreed upon or as may be decided by the Government.

- (d) If in any year water available in the reservoir/barrage, pond of the project is lesser than the flow expected in a normal year due to reasons like vagaries of monsoon, repair, restoration etc. of the project then quantum of water allocated to the Water Users' Association will be proportionately reduced and due intimation in advance in this regard will be given to the Water Users' Association before the beginning of the season.
- (e) It will inspect the position of water supplied, irrigation works in the command, distributors/ minors or sub-minor and field level structures under the jurisdiction of the Water Users' Association to verify whether or not the agreement is implemented satisfactorily.
- (f) Government also reserves the right to sanction or reject extra demand for water, if any from the Water Users' Association depending upon the availability of water in reservoir barrage anicut/pond. If for any reason additional water demand of Water Users' Association is not sanctioned by Government, the Government would not be responsible for any loss caused to the Water Users' Association on account of non-supply of additional demand.
- (g) The allocation of water supplied to the Water Users' Association is to be utilized for irrigation purpose only, and the same shall not be utilized for any other purpose. If water is required for any other purpose, the Water Users' Association may submit separate application to the Executive Engineer concerned for the same and obtain sanction for this demand.
- (h) The rate of water supply on volumetric basis or on any other basis as would be decided by the Government for irrigation (Khariff, Rabi and Hot weather) and for other purposes and the fees/ cess, etc. chargeable for the purpose will be fixed by the Government from time to time, and the Water Users' Association will abide by that, Government have also got the right to review the water rates, cess etc. at such intervals as it deems proper.
- (i) A monthly statement or water account will be made available to the Water Users' Association for purpose of transparency on water availability.
- (j) The rights of ownership of the distribution system including all structures so handed over for operation and maintenance, land acquired by Government and all other work executed in Water Users' Association area will remain with the Government.

2. RIGHTS AND RESPOSIBILITIES OF WATER USERS' ASSOCIATION :

- (a) The Water Users' Association will assume full responsibility for operation and maintenance of the minor/sub-minor and all structures turned over to it. It will also ensure construction/ maintenance and repair of all the water resources, field channels, field drainage in the said area as covered under the agreement jurisdiction of the Water Users' Association. For this purpose, the Water Users' Association will establish its own operation and maintenance fund (O&M. Fund) to meet the operation and maintenance expenditure. The following items of work are included in repair and maintenance work, namely :
- (i) Removal of slit from minor/sub-minor/water courses/field channel and field drains and proper upkeep of the same.
 - (ii) Repair and maintenance of inspection path and service road to keep them in good condition.
 - (iii) Removal of grass, shrubs and bushes from the canal embankments, and canal beds.
 - (iv) Repairs and maintenance of all structures in the distribution system so handed over for operation and maintenance to keep them in good working condition.
 - (v) Earth work to restore backs to proper shape and profile.
 - (vi) Repairs to lining, painting plastering, replacing damaged portion, repairs to masonry and other structures, etc.
- (b) The Water Users' Association shall ensure construction, maintenance and repair of all the water courses, field channels, field drains and other drains structure within the jurisdiction of the Water Users' Association.
- (c) The Water Users' Association will protect the entire system covered under the said area within its jurisdiction from any damage whatsoever.
- (d) The Water Users' Association will undertake/suggest measures for improved water management at the level of minor/sub-minor.
- (e) The Water Users' Association will receive water from the Government and shall distribute it amongst the water users, whether members of non-members according to the requirement of their area under crop. It will observe economy and equitability in this regard. Wherever possible water shall be supplied to Water

Users' Association on volumetric basis. It will organize better improved water management methods at the farm level. It will decide for internal distribution of water.

- (f) The Water Users' Association will have the right to decide its own cropping pattern within the allocated water.
- (g) The Water Users' Association may ask for and obtain from the Department of Water Resources information on planned operation and maintenance activities in the entire system.
- (h) It may also request and obtain assistance from the concerned Assistant Engineers of Department of Water Resources and the plan for operation and maintenance in the concerned distributaries/ minors/sub-minors for proper management.
- (i) The Water Users' Association may obtain permission from Government in Water Resources Department through the concerned Executive Engineer to utilise in any unutilised land acquired by the Government in Department of Water Resources. However, due care will be taken to protect environment and any damage or disadvantage to the irrigation system.
- (j) The Water Users' Association shall notify to the project authorities promptly if there is any damage due to unforeseen natural calamities like earthquake, heavy rains, etc.
- (k) The Water Users' Association shall facilitate collection of water rates from the members/ non-members of the association as per the rate prescribed by the Government in accordance with provision of the Orissa Irrigation Act, 1959 and Rules made thereunder. The rates charged shall vary from time to time as determined by the Government.

3. IT IS HEREBY FURTHER AGREED between the parties hereto as follows :

- (i) In case of negligence by the Water Users' Association in maintenance of the system turned over to it by the Government, the Government will have the right to stop the supply of water by giving 15 days prior notice.
- (ii) In case of repeated negligence and when Water Users' Association fails to take corrective action within a period as specified by the concerned Executive Engineer to bring in improvement in the system, Government shall terminate this agreement and take back the management and maintenance responsibilities from the Water Users' Association.

- (iii) In the event of violation of any of the provisions contained in the agreement with regard to water management system Government may also take similar action as provided in Sub-clause (iii) above.
 - (iv) The concerned irrigation officer (Executive Engineers/ Assistant Engineers or their authorized representative) shall have the right to inspect the position of water-supply to the Water Users' Association and to inspect the said area covered under this agreement/jurisdiction and to verify whether the agreement entered into by the parties is being implemented properly or not. The Water Users' Association will be duty bound to comply with the observations, if any, made by the Government Officers in course of inspection.
 - (v) With a view to achieve optimum utilisation of available water -
 - (a) Government may make provisions for grants to Water Users' Association towards operation and maintenance on terms and conditions as stipulated by it from time to time and grant benefits of special schemes to Water Users' Association, if any, floated by Government.
 - (b) Besides, Water Users' Association will spend out of their own funds towards operation and maintenance which will include the collection from the non-members towards the cost of operation and maintenance on pro rata basis of the acentage of land benefited.
 - (vi) All disputes in respect of various provisions made under this agreement will be resolved by a Committee comprising one nominee from the Apex Committee and the Superintending Engineer concerned. In case of difficulty in resolving it, matter will be referred to concerned Chief Engineer and then to the government in appropriate Department for settlement.
4. This agreement will remain in force for a period of two years with effect form the date of signing the agreement and will continue for such further period as may be decided by both the parties in writing before expiry of the period of agreement.

IN WITNESS WHEREOF the parties hereto have hereunder signed this agreement on the date and year first before written.

Signed by Shriin the Department/Office offor and on behalf of the Governor of Orissa, in the presence of –

1st witness –

Address :

Occupation :

2nd witness –

Address :

Occupation :

Signed by Shri Water Users' Association..... for and on behalf of the Water Users' Association, in the presence of

1st witness –

Address :

Occupation :

2nd witness –

Address :

Occupation :