

Irrigation Rules, 2056 (2000)

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Amendment

Irrigation (First Amendment) Rules, 2060 (2004) 2060.11.11(2004.2.23)

Preamble: In exercise of the power conferred by Section 24 of Water Resources Act, 2049 (1992), Government of Nepal has made the following Rules;

Chapter- 1

PRELIMINARY

1. **Short Title and Commencement:** (1) These Rules may be called "Irrigation Rules, 2056 (2000)"
(2) These Rules shall come into force immediately.
2. **Definition:** Unless the subject or context otherwise requires, in this Rules,
 - (a) "Act" means Water Resources Act, 2049 (1992).
 - (b) "Irrigation" means the act of supplying water through the Structure on the field for agricultural use.
 - (c) "Structure" means a Headworks (Dam), Canal, Branch or Secondary Canal, Minor or Tertiary Canal, Water course, Field Channel constructed to reserve, control or supply water from its source and road, embankment, bridge, culvert, drain built for that purpose as well as building, machine, tools, equipment in the use and the area occupied by it and it also includes tube-well, pump, pump-house in case of groundwater and other electrical equipment as well as the distribution system.

- (d) "Users' Association" means the Users' Association registered under Rule 3.
- (e) "Service" means the irrigation service made available to Users by the project.
- (f) "Executive Committee" means the Executive Committee of the Users Association registered under Rule 3.
- (g) "Project" means the irrigation project developed and operated by Government of Nepal or to be operated by a licensee and this expression also includes the project transferred to the Users' Association by Government of Nepal or the project developed and operated by the Users' Association itself.
- (h) "Project Committee" means the Project Committee to be constituted pursuant to Rule 31.
- (i) "Service Fee" means the charge or fee to be paid [✕]..... by the Users for the use of Service.
- (j) "Department" means Department of Irrigation, Government of Nepal.
- (k) "Project Office" means the Project Office which operates such irrigation and in the case of the irrigation system developed and operated by Government of Nepal and Office of the Users' Association which operates and manages such irrigation in the case of irrigation which is developed by Government of Nepal and transferred to the Users' Association and this expression also includes the office which operates and manages such irrigation in the

• Amended by the First Amendment
✕ Omitted by the First Amendment

case of irrigation system developed, operated and managed by a licensee.

Chapter – 2

PROVISIONS RELATING TO USERS ASSOCIATION

AND TRANSFER OF THE PROJECT

3. **Registration of Users' Association:** [•](1) The Users of the following irrigation system shall submit an application to the concerned Irrigation office for the registration of the Users' Association, upon constituting an Executive Committee not exceeding eleven members comprising Thirty Three percent women, including Two from dalit, downtrodden and backward ethnic community, in a format as prescribed in schedule –1,-

- (a) Developed and operated by Government of Nepal,
- (b) Maintained and reformed by Government of Nepal,
- (c) Constructed and operated by the farmer groups.

(2) While constituting the Users' Association under Sub rule (1), there should be a representation of at least Sixty Seven percent Users of the irrigated area of such Canal, Branch or Secondary Canal, Minor or Tertiary Canal, Water course, Field Channel distributed water from which Canal, Branch or Secondary Canal, Minor or Tertiary Canal, Water course, Field Channel is to be used. [✕].....

Explanation:

For the purpose of this Sub rule "irrigated area" means area to be irrigated by the water distributed, on the basis of the nature of irrigation system and extension from Canal, Branch or Secondary Canal, Minor or Tertiary Canal, Water course,

[•] Amended by the First Amendment
[✕] Omitted by the First Amendment

Field Channel and division box or turnout constructed for the distribution of water.

(3) Certificate of registration shall be issued in a format as prescribed in Schedule-2 upon registering of Users' Association within Seven days after conducting necessary inquiry on the application received pursuant to Sub rule (1).

Provided that, while making inquiry upon the application, if any discrepancy is found or any Users' Association is found to have been already registered for the same irrigated area or it will be contradictory to the prevalent laws to register it, the same fact shall be notified to the concerned Users within Seven days of submission of the application.

•4. **Election and Dissolution of Executive Committee of Users'**

Association: (1) The Election procedure and tenure of Office of the office bearer of the Executive Committee shall be as prescribed in the constitution of such Association.

(2) Notwithstanding anything contained in Sub rule (1) Two Third of the total general members may dissolve the Executive Committee in case that the Executive Committee has been failed to properly operate the Irrigation system.

(3) In a case if it is found that the Executive Committee has acted against these rules or approved constitution, the concerned Irrigation Office shall provide optimum Fifteen days to such Executive Committee for the clarification.

(4) In case no clarification is submitted within a period pursuant to Sub rule (3) or the clarification has not been found satisfactory, the

• Amended by the First Amendment

concerned Irrigation Office shall submit recommendation to the Department for the dissolution of Executive Committee with reasonable and sufficient reason.

(5) In a case, if the recommendation is received pursuant to Sub rule (4), Department shall provide approval for the dissolution of the Executive Committee on the basis of *bona fide* reason and appropriateness and the concerned Irrigation office shall make the decision of dissolution on the basis of approval of the Department.

(6) Executive Committee shall be *ipso facto* dissolved in a case if not renewed within the time frame pursuant to Sub rule (1) and (2) of Rule of 8A.

(7) No facility as per the Act and these rules shall be provided to the irrigation system, as dissolved under these rules, until the new election of Executive Committee shall be concluded.

(8) In case of dissolution of the Executive Committee as per these rules, election shall be conducted within three months by the concerned Irrigation Office under its direct supervision through the District Irrigation Users' Association and concerned District Irrigation Users' Association shall constitute an *ad hoc* committee for the operation until election.

5. **Functions, Duties and Powers of Users' Association:** (1) The Functions, Duties and Powers of the Users' Association shall be as follows:

- (a) To repair, maintain, operate and manage the Irrigation System operated by it,

Provided that, if it requires any change or

replacement of the equipment or [•]the physical structure affecting the irrigation system prior approval of the concerned Irrigation Office shall be required.

- (a) To avail water to the User farmers at appropriate time in proper quantity as required by the type of crop and the condition of the land,
- (b) To keep the record of the land in which service could not be availed and to recommend to exempt the service fee to be paid by such Users,
- (c) To distribute water to new User farmers without causing any harm to the previous Users who are receiving the service,
- (d) To mobilize public participation for maintenance of the Irrigation System,
- (e) To construct additional Structures to increase irrigable area considering the supply of water,
- ⁺(g) To collect service fee from users and deposit it as prescribed by concerned Irrigation office,
- ⁺(h) To exclude those users who fail to pay the service fee, to collect late charge and to inform the same to the concerned Irrigation office,
- ⁺(i) To provide notice to the concerned Irrigation Office of any information pertaining to any demolition or destruction, alteration, obstruction or any knowledge

[•] Amended by the First Amendment
⁺ Inserted by the First Amendment

about the possibility of the similar activities towards the irrigation system or structure.

(2) In case it requires technical consultation [•]while exercising the functions, duties and powers pursuant to Sub rule (1), the Users' Association may request to the concerned Irrigation Office and if such request is made the concerned Irrigation Office shall provide necessary technical consultation.

(3) Out of the powers, functions, duties obtained by the Users' Association pursuant to Sub rule (1), some functions, duties and powers may be delegated by constituting various sub-committees from among the Users who are using the Service.

6. **Records to be maintained:** (1) The Users' Association shall maintain up-to-date record including the record of the Service Fee to be paid by the Users for the use of Service made available by it showing expenditure incurred for the maintenance as well as balance of its fund.

(2) The Users' Association shall, within Three months of expiry of fiscal year, submit its report to the concerned Irrigation Office along with the financial statement of the Users' Association and all details of the service made available to the Users in that fiscal year.

7. **Users' Coordination Association:** (1) The Users' Association, which uses water flown on the Canal, Branch or Secondary Canal, Minor or Tertiary Canal shall on the basis of nature and extension of such irrigation system, constitute one Users' Coordination Association for each Canal, Branch or Secondary Canal, Minor or Tertiary Canal with representation of one representative from each and notification to that effect shall be given to the ⁺District Irrigation Users' Association and concerned Irrigation Office.

[•] Amended by the First Amendment
⁺ Inserted by the First Amendment

(2) The Users' Coordination Association constituted pursuant to Sub rule (1) shall coordinate the activities related with operation, maintenance and distribution of water from such Canal, Branch or Secondary Canal, Minor or Tertiary Canal.

8. **Registration of Users' Coordination Association:** The Users' Coordination Association constituted pursuant to Rule 7 shall be registered in accordance with the provision of Rule 3. Its working procedure and other necessary matters shall be determined by the Users' Coordination Association itself.

- +8A. **Renewal:** (1) Every users association, registered as per these Rules, shall submit an application to the concerned Irrigation Office alongwith audit report as audited by auditor recognized from the Department of Auditor's General and annual report for renewal within Ninety days of the end of fiscal year.

(2) If it is not possible to produce an application due to some reason within the time frame pursuant to Sub rule (1) an application with reasons shall be submitted within additional ninety days for renewal including One Hundred Rupees as late fee.

(3) Upon receiving an application pursuant to Sub rule (1) and (2) concerned Irrigation Office shall renew within Seven days. Written information shall be given to the concerned Users' Association if there is any reason for not to renew it.

9. **Maintenance Fund:** (1) The Users' Association shall establish a separate fund for the maintenance of irrigation system and structures and deposit at least Ninety percent of the service fee and other income in the fund.

⁺ Inserted by the First Amendment

(2) Out of the amount specified in Sub rule (1), at least Ninety percent amount shall be allocated for the maintenance of Canal, Branch or Secondary Canal, Minor or Tertiary Canal.

10. **Handover of the Project:** A project developed by Government of Nepal or a Canal, Branch or Secondary Canal, Minor or Tertiary Canal, Water course or Field Channel of such Project may be handed over to Users' Association which is registered with the objectives of operating such Canal, Branch or Secondary Canal, Minor or Tertiary Canal, Water course or Field Channel.

11. **Terms and Conditions of Handing over of the Project:** In addition to others, the following terms and conditions shall be specified while handing over the Project by Government of Nepal pursuant to Rule 10:-

- (a) To put restriction to pledge the handed over structure or to hand over its ownership to others by way of sale, donation, exchange or agreement or otherwise,
- (b) To put restriction to damage, spoil or change the Structure,

Provided that, change may be made for the purpose of necessary maintenance and those goods including the tools and equipment which can not be re-used and could be damaged or spoiled if they are kept idle may be sold or handed over on prior approval of the concerned Irrigation Office which had handed over the Project.

- (c) To put restriction to carry out any activity which mitigate the quantity and quality of the water for irrigation,
- (d) To put restriction to reduce the quantity of water used by the Users except on the circumstances as provided in this Regulation,

- (e) To put restriction to authorize to any other person or organization for operation.

• 12. **Plantation and protection of plants and trees:** (1) Users' association may plant trees on the side or right of way of a Canal, Branch or Secondary Canal, Minor or Tertiary Canal, Water course or Field Channel after the approval of community forest work - plan according to the prevailing Forest Act and Rules from the concerned Forest Office. In the course of determining the place for plantation there shall be coordination with concerned Irrigation Office.

(2) Until the work plan pursuant to Sub rule (1) is approved, Users' Association may sell the rotten or fallen trees lying on the side of Canal, Branch or Secondary Canal, Minor or Tertiary Canal, Water course or Field Channel and the trees which need pruning may be pruned upon the approval of following committee:-

- (a) Chief of the concerned Irrigation Office -Co-ordinator
- (b) Representative of Concerned District
Development Committee - Member
- (c) Officer level Representative of Concerned
District Administration Office - Member
- (d) Officer level representative of Concerned
Forest Office - Member
- (e) Chairperson of the concerned Users'
Association - Member
- (f) Representative of concerned District

• Amended by the First Amendment

Irrigation Users' Association

- Member

(3) The matter relating to the meeting of the committee constituted pursuant to Sub rule (2) shall be as determined by the committee itself.

13. **Joint Management System:** (1) The Large-Scale Projects which may not be fully handed over to the Users' Association pursuant to Rule 10 may be operated jointly by concluding an agreement between Government of Nepal and the Users' Association.

(2) While operating Service after the conclusion of an agreement between Government of Nepal and Users' Association pursuant to Sub rule (1) the obligation and responsibility of the activities to be carried out in accordance with the Act and these Rules including collection of Service Fee, share percentage of Users' Association and arrangement for maintenance shall be as specified in such Agreement.

Chapter – 3

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Chapter – 4

PROVISIONS REGARDING USE OF SERVICE

18. **Application to be submitted:** (1) A person interested to enjoy the Service of the Project developed and operated by Government of Nepal or a project handed over to Users' Association after being developed by Government of Nepal shall be required to submit an application to the concerned Project Office.

(2) Upon receipt of the application pursuant to Sub rule (1) the Project Office shall deliver the Service after making an inquiry on the technical and other necessary details as to whether the Service can be

x Repealed by the First Amendment

provided or not. If the service is to be denied, the applicant shall be notified accordingly.

19. **Complaint may be filed:** (1) If a person is not satisfied with the notice served pursuant to Sub rule (2) of Rule 18 of the decision to the effect that the Service could not be made available, such person may submit a complaint against such decision to the concerned Irrigation Office within Thirty Five days.

(2) The concerned Irrigation Office shall conduct necessary inquiries on complain received pursuant to Sub rule (1) and issue an order and such order shall be final.

20. **Conditions for the Users of the Service:** (1) The conditions of utilization of Service to be complied with by the User who utilize the Service made available pursuant to these Rules, shall be as specified by concerned Irrigation Office in the case of irrigation system developed and operated by Government of Nepal, by the concerned Users' Association in the case of irrigation system transferred pursuant to Section 11 of the Act, and by the licensee in the case of irrigation systems developed and operated by licensee.

(2) While specifying conditions pursuant to Sub rule (1), the conditions shall not be in contrary to the Act, these Rules and conditions specified in the license.

21. **Basis for Providing the Services:** (1) The Project Office while providing Service shall determine the priority order for distribution of water in consultation with ⁹the District Agriculture Development Office and concerned Users' Association.

⁹ Amended by the First Amendment

(2) The following matters shall be taken as basis while fixing the order of priority pursuant to Sub rule (1):

- (a) Geographical location of the concerned area,
- (b) Area of the land,
- (c) The quantity of water available at the source,
- (d) Type of crop to be cultivated on the land,
- (e) Nature of soil of the land,
- (f) The capacity of the Structure and other technical matters.

22. **Service May be Reduced:** (1) On the circumstances that due to the demand for water exceeding the availability of water at the source or the capacity of Structure, the Service could not be supplied in accordance with the demand, the Project Office [•]upon coordination of Users' Association may decide to reduce the service partially subject to the order as specified in Rule 21.

(2) While making decision pursuant Sub rule (1), the Project Office shall be required to consult with the concerned Irrigation Office [✕]..... and the concerned local body.

23. **Service May be stopped:** The project Office may stop service in the following circumstances:-

- [•](a) In case, Users' Association failed to deposit the amount supposed to deposit upon collection.

[•] Amended by the First Amendment
[✕] Omitted by the First Amendment

- (b) In case, the User violates any condition prescribed in the agreement concluded between Project Office and the User, until redemption as maintained in the agreement has been complete.
 - (c) In case, the Structure has been damaged or such possibility exists, until necessary repair and maintenance is complete.
24. **To Notify**: If the Project Office requires to reduce or stop service pursuant to Rule 22 or 23, the concerned Users' Association and local body shall be notified to that effect.

Chapter – 5

PROVISIONS REGARDING USERS' DUTY AND RESPONSIBILITY AND SERVICE FEE

25. **Users' Duty and Responsibility**: The duty and responsibility of the User shall be as follows:
- (a) To inform the Project Office immediately if it is known that some one has misused the Service or caused leakage of water or committed that kind of act or has attempted to commit such an act.
 - (b) To provide necessary assistance to the Project Office on works of construction, repair and maintenance and protection of the structure.
26. **Composition of Service Fee Fixation Committee**: A Service Fee Fixation Committee, comprising of the following Chairperson and Members shall be constituted in every district to fix the rate of Service Fee to be paid by the User for enjoying the service rendered by the project developed and operated by Government of Nepal or by the project handed over to Users' Association after being developed by Government of Nepal.

- (a) Chief, Concerned Irrigation Office - Chairperson
- (b) Representative, District Agriculture Development Office - Member
- (c) Chairperson of the concerned Users' Association - Member
- +(d) Representative of District Irrigation Users' Association - Member

27. **Meeting of Service Fee Fixation Committee:** (1) The meeting of Service Fee Fixation Committee shall be held at such date, time and place as designated by its Chairperson.

(2) The meeting of Service Fee Fixation Committee shall be held at least once in a year.

(3) The procedure of meeting of the Service Fee Fixation Committee shall be as determined by the Committee itself.

28. **Functions, Duties and Powers of Service Fee Fixation Committee:**

The functions, duties and powers of Service Fee Fixation Committee shall be as follows:

- (a) To determine the minimum service fee for each crop on the basis of average agricultural production to be increased upon the availability of the Irrigation service.
- (b) To make available the particulars and advice as sought by Government of Nepal [×]..... from time to time.

• Amended by the First Amendment
+ Inserted by the First Amendment
× Omitted by the First Amendment

- (c) To seek advice from [⌘]..... Government of Nepal while making change in the rate of service charge.

●29. **Required to pay the Service Fee:** (1) The User who uses the service shall be required to pay service fee to Users' Association or person or institution pursuant to these Rules, who is entitled with the power to collect such service fee and collect the receipt for the same.

(2) Users' Association shall have the responsibility to collect the service fee in the irrigation system which is conducted by the joint management. Users' Association shall collect minimum service fee from every User as determined by the Committee pursuant to Rule 26 even in a case even the service has not been utilized in the irrigated area declared by the Government of Nepal.

(3) Users' Association shall deposit, the portion of the amount collected from the Users pursuant to Sub rule (2), in its own account in a manner as prescribed in Schedule – 3 and the remaining amount shall be deposited in the Central Maintenance Fund and paid for revenue and evidence thereof shall be forwarded to the concerned Irrigation Office.

(4) Government of Nepal shall make no additional investment to that Irrigation system whose amount is not deposited in Central Maintenance Fund and revenue pursuant to Sub rule (3).

30. **Late Charge:** (1) If the Service Fee to be paid by the User [●]~~to the Users'~~ Association or person or institution is not paid within the specified time, the User shall be required to pay late charge in addition to Service Fee and the rate of the late charge to be paid by the User shall be as fixed by the Service Fee Fixation Committee constituted pursuant to Rule 25.

[⌘] Omitted by the First Amendment
● Amended by the First Amendment

(2) The Fee payable pursuant to Sub rule (1) may be paid in lump sum or in installments. The mode of payment and time limit for paying Service Fee and late fee shall be as prescribed by Service Fee Fixation Committee.

Chapter – 6

PROVISIONS REGARDING IRRIGATION PROJECT

31. **Composition of Project Committee:** (1) A Project Committee shall be constituted to implement the large-scale irrigation project as designated by Government of Nepal.

(2) The Project Committee shall consist of the Chairperson and Members as follows:

- (a) Secretary, Ministry of Water Resources - Chairperson
- (b) Director General, Department of Irrigation - Member
- (c) Director General, Department of Agriculture- Member
- (d) Representative, Ministry of Finance - Member
- (e) Representative,
National Planning Commission - Member
- (f) Representative,
Ministry of General Administration - Member
- (g) Chief of the Concerned Project -Member-secretary

32. **Meeting of Project Committee:** (1) The meeting of Project Committee shall be held in such place, time and date as designated by the Chairperson.

(2) The Meeting shall be presided over by the Chairperson of the Project Committee. In absence of Chairperson the meeting shall be presided over by a member selected by the members from among themselves.

(3) The Presence of Fifty percent of total members shall make quorum for holding the meeting of the Project Committee.

(4) In case of voting on any matter of discussion, Member-secretary of the Project Committee shall authenticate the vote of the majority of the present members.

(5) The Member-Secretary shall authenticate the decision of Project Committee.

(6) The other procedure relating to the meeting of the Project Committee shall be as determined by the Committee itself.

33. **Functions, Duties and Powers of the Project Committee:** The Functions, Duties and Powers of the Project Committee shall be as follows:

- (a) To get the Project completed within the stipulated time in accordance with the directives and guidelines issued by Government of Nepal from time to time.
- (b) To arrange for technical works like design, drawing etc. relating to the Project.
- (c) To approve the number of staff necessary for the Project.
- (d) To do such other works as are necessary for the completion of Project.

34. **Appointment of Project Chief:** Government of Nepal shall appoint the project Chief.

35. **Provisions Regarding Staff of Project:** (1) The Project committee may appoint staffs in the temporary basis as required for the completion of project.
- (2) The functions, duties and powers as well as condition of service and facilities of the staff appointed pursuant to Sub rule (1) shall be as approved by the Project Committee.
36. **Delegation of Powers:** The Project committee may delegate some of its powers to Project Chief as it deems necessary and Project Chief may delegate such powers to his/her staff.
37. **The liability of the project shall be Transferred:** Upon completion of the project all powers, liabilities and assets of the Project shall be [•]transferred to Irrigation Office as determined by the Department.
38. **Project Unit Office:** If any Project is extended in Two or more than Two districts, Project Unit Office may be established, as it deems necessary.

Chapter – 7

MISCELLANEOUS

39. **Security Arrangement of the Structure:** (1) The following activities may be prohibited to ensure the Security of the structure and prevent theft, misutilization or unauthorized use of water:
- (a) To trespass in to the Structures,
 - (b) To destroy, close or make any alterations there in the Structures,
 - (c) To increase or decrease the flow of water on the Structure,

[•] Amended by the First Amendment

- (d) To pollute the water of the Structure,
- (e) To damage or transfer the signs or signals placed for the purpose of irrigation,
- (f) To move, transfer or damage any equipment or its part placed for controlling the flow of water,
- (g) To move, graze or leave freely the cattle within the prohibited irrigation area,
- (h) To drive any vehicle within the prohibited irrigation area,

Provided that, the concerned authority may grant permission to drive vehicles without causing any damage to Irrigation System within such prohibited area on payment of the fees as prescribed by concerned Project.

- (i) To collect stone, sand etc. within the area as determined by concerned Irrigation Office around the other structure located in River and head works of the Irrigation System,
- (j) To cut the embankment of the canal, to alter the source of water flowing into or out of the Structure or canal or to attempt committing such acts,
- (k) To control the flow of water by obstructing the current of river stream in a way making the structure less beneficial,

• Amended by the First Amendment

- (l) To encroach or cause to encroach river, stream, falls, lake, pond or any part in a way causing adverse effect to the irrigation system,
- (m) To pump out the water without permission.

(2) The concerned Irrigation Office or the Project shall arrange to stick the notice pertaining to prohibition of the activities specified in Sub rule (1), at important places of concerned irrigation area and Irrigation Office as well as District Administration Office and local bodies.

40. **Authority to Punish:** The chief of the concerned Irrigation Office shall have the power to punish in the matters related to irrigation pursuant to Sub section (1), (2) and (3) of the Section 22 of the Act.

41. **Power to Issue Directives:** (1) Government of Nepal may issue directives to Project Committee and Service Fee Fixation Committee.

(2) It shall be the duty of the concerned committee to abide by the directives issued pursuant to Sub rule (1).

42. **Public Participation:** (1) Users shall bear the portion of investment pursuant to Schedule – 4 of the project construction cost estimate.

Provided that, the Users' portion shall not be more than Fifteen percent and not less than Three percent of the total costs of the project.

(2) The concerned Users shall transfer their land required for the construction of the Water course and Field Channel to the Users' Association for the purpose of distribution of water through the Canal, Branch or Secondary Canal, Minor or Tertiary Canal of any Irrigation project to be developed and constructed by Government of Nepal.

• Amended by the First Amendment

(3) The information of transfer of land shall be provided to the concerned Irrigation office and the Irrigation Office shall proceed for land revenue exemption and re-registration process of transferred land pursuant to Sub rule (2).

(4) The transferred land shall be evaluated as per the prevailing price and such price shall be adjusted in the amount as borne by the concerned Users pursuant to Sub rule (1).

(5) The price of the land of the farmer who cannot take irrigation facility but his/her land has been used in Water course and Field Channel, shall get the prevailing price from the deposited amount of the Users' Association.

(6) Notwithstanding anything contained in this Rule, construction of Water course and Field Channel shall not commence until the amount is collected pursuant to Sub rule (1).

[•]43. **Evaluation and Monitoring Committee:** (1) Government of Nepal shall constitute an Evaluation and Monitoring Committee, as per necessity, for the evaluation and monitoring of irrigation system on the basis of service provided by irrigation system, quality of water, crop intensity, increase of production, institutional and financial status of the Users' Association and physical changes in the working area.

(2) The representation of irrigation Users' Association shall be introduced along with other person while constituting Evaluation and Monitoring Committee pursuant to Sub rule (1).

⁺43A. **To be operated on lease:** (1) Notwithstanding anything contained in these Rules, Department may lease out the responsibility of maintenance and operation as whole or in part, on the basis of competition, to a person,

[•] Amended by the First Amendment
⁺ Inserted by the First Amendment

Users' Association or Non-Governmental Organization of the Canal, Branch or Secondary Canal, Minor or Tertiary Canal, Water course under the system operated by Government of Nepal or conducted under the joint Management system.

(2) The notice of at least Thirty Five days shall be published in the national daily newspaper for the lease pursuant to Sub rule (1) and other procedure shall be as mentioned in the Directives.

⁺43B. **Management may be Handed Over:** (1) The regular management responsibility as carried out by Government of Nepal on large-scale and medium scale irrigation system constructed by Government of Nepal and presently managed under joint management system may be handed over to the local bodies on the basis of demand, technical capacity and availability of resources of the local bodies.

(2) Other procedures regarding handed over of the management shall be as mentioned in the Directives.

44. **Evaluation and Quality Control:** (1) The Concerned Regional Director may issue necessary directives to the concerned officials, upon conducting necessary inquiry on whether the irrigation activities conducted in each development region by the Irrigation Project or [•]concerned Irrigation Office are in progress as per the target or are of as per the expected quality or not.

(2) It shall be the duty of the concerned authority to abide by the directives issued pursuant to Sub-rule (1)

(3) The concerned irrigation Office or Project shall submit the progress report to the concerned Regional Directorate.

⁺ Inserted by the First Amendment
[•] Amended by the First Amendment

45. **May Frame Directives:** Government of Nepal may frame and enforce directives subject to the provisions of the Act and these Rules. It shall be the duty of concerned person to abide by such directives.
46. **Changes or Alterations May be Made in the schedule:** Government of Nepal, by publishing a Notification in Nepal Gazette, may make necessary changes or alteration in the Schedule of these Rules.
47. **Repeal and Savings:** (1) The matters mentioned in these Rules shall be duly carried out and in other matters it shall be in accordance with the Water Resources Rules, 2050.
- (2) Irrigation Rules, 2045 is, hereby, repealed.
- (3) All the acts done under the Irrigation Rules, 2045 shall be deemed to have been done under these Rules.

Schedule – 1

(Related to Sub rule (1) of Rule 3)

Format of Application for Registration of Users' Association

To,

① Irrigation Office

.....

As it is required to register a Users' Association for the collective utilization of irrigation, this application is submitted pursuant to Sub rule (1) of Rule 3 of Irrigation Rules, 2056 along with One Hundred Rupees as Registration Fee and Two copies of the constitution of Users' Association.

1. Name and address of Users' Association:
2. Objective of Users' Association:
3. Name of Canal/ Branch or Secondary Canal/ Minor or Tertiary Canal/ Water course/ Field Channel to be used by Users' Association
4. Name of Office bearers of the Users' Association:
5. Document of Consent of Users:
6. Other necessary matters (if any)

The details mentioned above are correct and true:

Office Bearer applying on behalf of the Users' Association:

Full Name and Address:

Designation:

Signature:

Address:

① Amended by the First Amendment

Schedule – 2

(Related to Sub rule (3) of Rule 3)

Government of Nepal

• Irrigation Office

.....

Users' Association

Registration Certificate No. :-

M/S.....

Date:

.....

Certificate of Registration of Users' Association

Upon processing the application submitted by the said Association dated for registration of the Users' Association, this certificate has been issued after registering the Association pursuant to Rule 3 of the Irrigation Rules, 2056.

Name and address of Users' Association:

Purpose of Users' Association:

Name of Office Bearers of Users' Association:

Name of Canal/ Branch or Secondary Canal/ Minor or Tertiary Canal/ Water course/ Field Channel to be used by Users' Association

• Amended by the First Amendment

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Office stamp

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Certificate Issuing Authority

Name:

Signature:

Designation:

NEPAL LAW COMMISSION

⁺Schedule –3

(Related to Sub rule (3) of Rule 29)

**Table of Distribution of Collected Irrigation Service Fee from the Users
farmers**

Level of Participation in the operation of the system	Sharing of Irrigation Service Fee Collected from Users (in Percentage)		
	Central Maintenance Fund, Department of Irrigation	National Treasury of Government of Nepal	To be retained by the water Users' Association
1. Water course and structure thereunder operated by the Users' Association and structure above than Water course managed by Government of Nepal.	40	40	20
2. Minor or Tertiary canal and structure thereunder operated by the Users' Association and structure above than Minor or Tertiary canal managed by Government of Nepal .	30	30	40

⁺ Inserted by the First Amendment

3. Distributary or Sub-Secondary canal and structure thereunder operated by the Users' Association and structure above than Distributary or Sub-Secondary canal managed by Government of Nepal.	20	20	60
4. All canals below than Main canal managed by the Users' Association and other canal managed by Government of Nepal.	10	10	80
5. All the structures including Main canal other than Headworks managed by the Users' Association.	5	5	90
6. In case of complete hand over of the project.	0	5	95

⁺Schedule – 4

(Related to Sub rule (1) of Rule 42)

Table of contribution to be borne by the Users

Average Irrigated Area of the User	Percentage of Investment in Head works	Percentage of Investment in Main Canal	Percentage of Investment in Branch or Secondary Canal	Percentage of Investment in Minor or Tertiary Canal
0.5 hector or less	0	0	0	10
0.5 hector to less than 1.0 hector	0	0	5	10
1.0 hector to less than 5.0 hector	1	3	7	12
5.0 hector and more than 5.0 hector	3	5	10	15

Note:

1. Users Association shall bear all the costs for infrastructures below the Minor or Tertiary Canal.
2. Both cash and labour shall be counted as a contribution of the Users.
3. Fifteen percent of total cost shall be borne by Users association for the deep tube wells under the ground water. The entire amount shall be borne by Users Association for the construction of shallow tube wells.

⁺ Inserted by the First Amendment