

**THE PUNJAB IRRIGATION, DRAINAGE AND RIVERS ACT**  
**2023**  
**(Act XIV of 2023)**

**C O N T E N T S**

**SECTION**

**HEADING**

**PART I**

**PRELIMINARY**

1. Short title, extent and commencement.
2. Definitions.

**PART II**

**OWNERSHIP AND CONTROL OF WATER**

3. All natural water to vest in the Government.
4. Certain rights of riparian owners protected.
5. Rights to water accessed by public road etc.
6. Certain abstraction rights to ground water sources protected.

**PART III**

**ESTABLISHMENT**

7. Territorial units.
8. Functional units.
9. Canal Officers and their charges.
10. Appointment of Canal Officers and other officers.
11. General duties and powers of Canal Officers.
12. Compensation for damage to land etc.
13. Sub-ordination of Canal Officers.
14. Manner of performance of duties by Canal Officers.
15. Conferment of duties and powers of a Canal Officer upon other officers and persons.

**PART IV**

**IRRIGATION AND RECLAMATION SCHEMES**

16. Powers to apply natural water for the purpose of a canal.
17. Power to provide drain and reclaim an area.
18. Limits of compensation on account of application of water or reclamation of an area.
19. Prohibition on construction of private canals and reclamation works.
20. Preparation of provisional schemes.
21. Publication of provisional schemes
22. Submission and disposal of objections to provisional scheme.
23. Approval of provisional schemes.
24. Schemes for construction of private canals and drains.

**PART V**

**OF CONSTRUCTION AND RUNNING OF  
CANALS AND DRAINS**

25. Powers of a Canal Officer to enter upon land and work on construction of a canal or drain.
26. Responsibility to provide means of crossing etc. at canals and drains.
27. Removal of any obstruction to drainage.
28. Amount of water to be supplied to a canal and the shares of irrigators therein.
29. Addition of new areas to irrigation area of a canal.
30. Preparation of seasonal canal regulation plans.

31. Quality of canal water etc. and prohibition to discharge noxious materials therein.
32. Minimum standards of irrigation and drainage services.
33. Independent measurement of standard of service.

#### PART VI

#### VILLAGE IRRIGATION PLANS AND WATER COURSES

34. Preparation and publication of draft village irrigation plans.
35. Approval of village irrigation plans.
36. Notice to irrigators etc. to construct an approved water course.
37. Construction of approved water course by irrigators.
38. Construction of approved water course on failure of irrigators to do so.
39. Construction of a new or alteration of an existing water course.
40. Duty of persons accepting supply of water from a canal to allow use of their lands for construction of water course.
41. Certain obligations of water course owners.
42. Resignation of interests by an owner of water course and its transfer to any other person.
43. Arrangement with an owner of water course by other persons for supply of water.
44. Payment of cost of construction of water courses etc.
45. Settlement of disputes as to mutual rights and obligations in a water course.
46. Prohibition on use of land of water courses for any other purpose and demolishing, altering or interfering with a water course.
47. Restoration of demolished or altered water courses.
48. Ledger of water courses.

#### PART VII

#### SUPPLY OF CANAL WATER

49. Uses to which canal water may be applied.
50. Canal water to be supplied through sanctioned outlets.
51. Outlets to generally supply canal water under gravity.
52. Ledger of outlets.
53. Prohibition to use canal water without permission and method of obtaining such permissions.
54. Prohibition on use of percolated water without permission and method of obtaining such permissions.
55. Permission to use canal or percolated water to be transferable with land etc.
56. Prohibition on sale of canal water without permission.
57. Village irrigation schedules.
58. Cutting off of permitted canal water supply on irrigator's request or long disuse.
59. Permitted canal water supply not to be interrupted or reduced except on given grounds.
60. Abatement of rent on interruption or reduction of canal water.
61. Power to regulate sowing, planting or growing of crops etc. in the interest of conservation and productivity of canal water.

#### PART VIII

#### OF DRAINAGE

62. No discharge to be permitted in a drain without permission.
63. Rate on lands benefited by a drain.
64. Construction of a field drain by an owner etc.
65. Prohibition on use of land of a field drain for any other purpose and of demolishing, altering or interfering with it.

#### PART IX

## SAFETY OF DAMS AND OTHER WORKS

66. Irrigation works safety evaluation unit.
67. Listed dams etc. and their registration with the unit.
68. Vulnerability and hazard classification.
69. Certain certifications by construction engineer required.
70. Safety surveillance and inspections by Canal Officer in-charge and owner.
71. Duty to maintain technical documents and logbooks.
72. Duty to put in place an emergency action plan.
73. Duty of Canal Officers in-charge and owners of dams etc. towards instructions passed by the unit.
74. Abandoned listed dams and other works.

### PART X

#### RIVERS, EMBANKMENT WORKS AND FLOOD CONTROL

75. River ledgers.
76. Undue interference with and use of river water prohibited.
77. Power to remove undue interference with or use of river water.
78. Power to dredge, deepen or widen etc. a river.
79. Prohibition on discharge of noxious matter in rivers.
80. River improvement plans.
81. Designation of a reach of river etc. as Conservation Zone.
82. Management of Conservation Zones.
83. Execution of public embankment works.
84. Execution of new private embankment works.
85. Pathways, hedges etc. on embankments to vest in Government.
86. Roads, water courses and sluices passing over, through or under an embankment.
87. Structural safety standards for embankments.
88. Alignment etc. of an embankment to be fixed after study.
89. Maintenance of embankments.
90. Regulations for operation of dams, weirs, sluices etc.
91. Flood risk management strategy.
92. Flood protection plans.
93. Duty towards collaborative effort for flood protection.
94. Powers of the Deputy Commissioner to deal with floods.
95. Designation of a section of an embankment to be a fuse plug and its operation.–
96. Flood forecasting and routing analysis.

### PART XI

#### OF GROUND WATER

97. Ground water zones and their administration.
98. Measurement of ground water.
99. Duty of owners of wells to allow collection of samples.
100. Ground water improvement plans.
101. Execution of works to re-charge or otherwise improve ground water.
102. Unsafe discharge into ground water prohibited.
103. Officer in-charge of a zone and officers subordinate to him to exercise powers of Canal Officers.

### PART XII

#### OF NAVIGATION OF RIVERS AND CANALS

104. Declaration of a river reach or canal to be a navigation line.
105. Appointment of Supervisors.
106. Liability of vessels to pay navigation charges.
107. Removal and detention etc. of vessels and goods.

## OF ENGINEERING ACADEMY

108. Continuation of the Academy.
109. Board of Governors of the Academy.
110. Meetings and procedure of the Board of Governors.
111. General powers of the Board of Governors.
112. The Board Fund and its sources.
113. Application of the Board Fund.
114. Accounts keeping and audit of fund.
115. Superintendence of the Board of Governors.
116. Chairperson, non-official members and Principal etc. to be public servants.

## PART XIV

### OF IRRIGATION RESEARCH

117. Continuation of the Irrigation Research Institute.
118. The Irrigation Research Fund and its sources.
119. Board for administration of Irrigation Research Fund.
120. Meetings and procedure of the Research Board.
121. General powers of the Research Board.
122. Application of the Board Fund.
123. Accounts keeping and audit of the Research Fund.
124. Superintendence of the Research Board.
125. Chairperson and non-official members etc. to be public servants.

## PART XV

### OF CANAL PATROLS

126. Constitution of Canal Patrols.
127. Certificates required to exercise powers.
128. Superintendence and administration of Canal Patrols.
129. Power to arrest without warrant.
130. Power to stop and search without warrant.
131. Procedure to be followed after arrest.
132. Power to register information on offences.
133. Investigation of offences.
134. Provisions of the Code to apply on arrests etc. under this Act.
135. Conferment of additional powers of a police officer upon Canal Patrols.

## PART XVI

### OF FINANCIALS AND PROPERTIES

136. Rate for the use of canal and percolated water.
137. Rate on lands benefiting from a reclamation work.
138. Charges for discharging matter into a drain.
139. Assessment of annual rates and charges.
140. Special charges to apply on unauthorized use of water and unauthorized discharge in drains.
141. Wastage charges for suffering the water to run to waste.
142. Contributions for betterment of irrigation works.
143. Transfer of certain lands benefiting from an irrigation work to be subject to payment of windfall charge.
144. Toll on lines of navigation and means of crossing rivers etc.
145. Lease of certain properties.
146. Irrigation betterment fund.
147. Board for administration of irrigation betterment fund.
148. Meetings and procedure of the Board.
149. General powers of the Board.

150. Application of irrigation betterment fund.
151. Accounts keeping and audit of irrigation betterment fund.
152. Superintendence of the Board.
153. Chairperson and non-official members etc. to be public servants.
154. Suspension or remission of sums due in certain cases of hardship.
155. Penalty for late payments.
156. Payment of rates etc. and recovery of outstanding sums.
157. Power to contract out collection of rates etc.

#### PART XVII

##### OF TRANSPARENCY AND FAIR PLAY

158. General rules of conduct of Canal Officers etc.
159. Conflict of interest and related duties.
160. Register of interests.
161. Code of Conduct for officers and other persons.

#### PART XVIII

##### OF OFFENCES AND PUNISHMENTS

162. Punishment for interfering with or causing minor damage to an irrigation work.
163. Punishment for endangering the safety of an irrigation work.
164. Punishment for endangering safety of a dam or embankment.
165. Punishment for polluting or fouling water.
166. Punishment for unauthorized use, or interfering with any authorized use of water.
167. Punishment for constructing a private canal or a private drain without prior permission.
168. Punishment for failure to provide assistance or to comply with lawful instructions of a Canal Officer.
169. Punishment for failure to comply with instruction of the unit to undertake a work for safety of a listed dam or embankment.
170. Punishment for obstructing or threatening a Canal Officer or other officer in the exercise of his powers or performance of his duties.
171. Punishment for violation of any other provision of this Act or rules.
172. Canal Officer or other person employed on canal may take offenders and machines and apparatus into custody.
173. Dealing with seized machines etc.
174. Punishment for abetting or attempting to commit an offence.
175. Cognizance of offences, bails and proceedings etc.
176. Compounding of offences.
177. Compensation to persons injured by an offence and payment of awards to informants.
178. Of offences by bodies corporates.
179. Saving of prosecution under any other law and recovery of certain sums and charges.

#### PART XIX

##### OF APPEALS AND REVISIONS

180. Appeal against certain orders of Canal Officers.
181. Review Board and its constitution.
182. Sittings and decisions of the Review Board.
183. Making of revisions and related authority of the Review Board.
184. Correction of clerical and arithmetical errors.
185. Examination of record of decisions etc. by Secretary.

#### PART XX

##### MISCELLANEOUS PROVISIONS

186. Summoning of witnesses and documents etc.
187. Notices how served.

188. Service of notice when a person cannot be served in ordinary manner.
189. Exclusion of jurisdiction of civil courts in matters within the jurisdiction of Canal Officers.
190. Special procedure for acquisition of lands.
191. Local police and other authorities to assist Canal Officers.
192. Certain works of urgent nature may be executed without recourse to ordinary procurement procedures.
193. Requisition of labour for carrying out urgent works.
194. Power to take into possession and use materials in relation to works of urgent nature.
195. Payments for urgently executed works to be a sum due.
196. Duty to assist Canal Officers when called upon to do so.
197. Permits required to carry out works on or to use right of way of rivers, canals and drains etc.
198. Custody of works carried out without permit or otherwise abandoned.
199. Dealing with damages to irrigation works.
200. Delegation of power and duties.
201. Canal Calendar and related duties.
202. Power to make rules.
203. Power to issue Standing Instructions.
204. Indemnity for acts done in good faith.
205. Repeals and savings.
206. Act to override other laws.
207. Removal of difficulties.

## **THE PUNJAB IRRIGATION, DRAINAGE AND RIVERS ACT** **2023**

**(ACT XIV OF 2023)**

[17<sup>th</sup> February 2023]

*An Act to make provisions for management and control of irrigation, drainage and rivers in the Punjab.*

It is necessary to provide for better and sustainable irrigation, drainage, and control and management of rivers, streams, lakes, ground water and navigation in the Punjab, and the matters ancillary thereto. Be it enacted by Provincial Assembly of the Punjab as follows:

### **PART I** **PRELIMINARY**

- 1. Short title, extent and commencement.**— (1) This Act may be cited as the Punjab Irrigation, Drainage and Rivers Act 2023.
  - (2) This Act extends to whole of the Punjab.
  - (3) This Act shall come into force at once.
- 2. Definitions.**— In this Act:
  - (a) “Annual Closure” of a canal means the period during which it remains closed in relation to its annual repair, renewing and maintenance in accordance with a schedule approved by the Secretary;

- (b) “Canal Collector” means an officer from a class of officers appointed under this Act for the assessment and collection of any rate, charge, contribution, penalty or any other sum under this Act and such other duties as may be assigned to him under the rules or a relevant Standing Instruction;
- (c) “Canal Division” means a Canal Division constituted in terms of section 7;
- (d) “Canal Sub-Division” means a part of the Canal Division constituted in terms of section 7;
- (e) “Canal Officer” means a Canal Officer of any class referred to at section 9;
- (f) “canal” means a waterway and the appertaining structures to convey water for the purposes of this Act and includes an inundation canal, link canal, branch canal, distributary or minor but does not include a watercourse;
- (g) “Chief Engineer” means a Canal Officer in-charge of a Region;
- (h) “Chief Minister” means the Chief Minister of the Punjab;
- (i) “Collector” means a District Collector within the meanings of section 7 of the Punjab Land Revenue Act, 1967 (Act XVII of 1967);
- (j) “crop season” means the Kharif season beginning on fifteenth day of the month of April and on or around fifteenth day of the month of October and the Rabi season beginning on fifteenth day of the month of October and ending on fifteenth day of the month of June each year;
- (k) “dam” means a man-made barrier and the appertaining structures erected for the purpose of holding back water to form a reservoir;
- (l) “Department” means the Irrigation Department;
- (m) “Deputy Commissioner” means the Deputy Commissioner within the meanings of the Punjab Civil Administration Act, 2017 (III of 2017);
- (n) “Divisional Canal Officer” means a Canal Officer in-charge of a Canal Division;
- (o) “drain” means a water way or other work to remove or abstract and carry storm water or excessive sub-surface water from an area for the purpose of this Act and includes its appertaining structures and outfall;
- (p) “embankment” means a wall, bank or other structure to prevent flooding of an area, or erosion of river banks, or to train and guide the river flow in a desired manner;
- (q) “Government” means Government of the Punjab;
- (r) “Institute” means the previously established Irrigation Research Institute continued under section 117;
- (s) “irrigation area” means the area irrigated by a canal or as the case may be an outlet of a canal;
- (t) “irrigation work” means any work, building, installation, facility or other structure raised or executed, or a machine, appliance, contrivance or other apparatus installed for the purpose of this Act and includes a dam, headwork, weir, sluice, canal, watercourse, drain, outfall, embankment, groin, river training work, sluice, head regulator, cross regulator, bridge, weir, trench, pipe, bank, appliance, plant, tool, and any office or other building and their appertaining structures and similar other works;
- (u) “KhalPanchayat” means a Khal Panchayat established under the Punjab Khal Panchayat Act, 2019 (XXV of 2019);
- (v) “lake” includes a lagoon, swamp, or any other natural accumulation of water but does not include a dam;
- (w) “Lambardar” means a Lambardar within the meanings of the Punjab Land Revenue Act, 1967 (XVII of 1967);
- (x) “listed dam” means a dam requiring a higher level of safety surveillance and registration with the unit under section 67;
- (y) “listed embankment” means an embankment requiring a higher level of safety surveillance and registration with the unit under section 67;

- (z) “listed irrigation work” means an irrigation work requiring a higher level of safety surveillance and registration with the unit under section 67;
- (aa) “Minister” means the Minister in-charge of the Department;
- (bb) “outlet” means a structure to allow a measured water to flow out of a canal;
- (cc) “Patrol Officer” means an officer or staff of the Canal Patrol assigned one or more duties mentioned at section 126 but does not include staff engaged in auxiliary duties such as ministerial staff;
- (dd) “prescribed” means prescribed by the rules;
- (ee) “private canal” means a canal approved under section 24;
- (ff) “Region” means an irrigation Region constituted under section 7;
- (gg) “revenue estate” means an estate within the meanings of the Punjab Land Revenue Act, 1967 (XVII of 1967);
- (hh) “river” includes a stream, nullah, hill torrent and any other natural drainage;
- (ii) “rules” means the rules made under this Act;
- (jj) “Secretary” means the Secretary to the Government, Irrigation Department;
- (kk) “Standing Instruction” means a Standing Instruction issued under section 203;
- (ll) “Sub-Divisional Canal Officer” means a Canal Officer and in-charge of a Canal Sub-Division;
- (mm) “Superintending Canal Officer” means a Canal Officer in-charge of a Canal Circle;
- (nn) “survey number” of a land means the survey number of a field or parcel of land assigned under the Settlement Manual of Board of Revenue Punjab;
- (oo) “unit” for the purpose of Part VIII means the unit established under section 66 and for the purpose of Part IX the unit established under section 96;
- (pp) “village irrigation plan” means a plan within the meanings of section 35;
- (qq) “village irrigation schedule” means a schedule of turns of irrigators for obtaining water from a canal within the meanings of section 57;
- (rr) “water allowance” of a canal means the volume of water in cusecs sanctioned for irrigation of one thousand acres of irrigation area of that canal;
- (ss) “water course” means any channel which is supplied with water from a canal for its application by an irrigator and includes all appertaining works except the outlet from which such water is supplied;
- (tt) “zone” for the purpose of Part X means a zone for the administration of ground water in the Punjab constituted under section 97.

## PART II OWNERSHIP AND CONTROL OF WATER

**3. All natural water to vest in the Government.**— (1) Subject to the provisions of any arrangements made by the Government in relation to riparian rights in the Indus Basin, all rights in the water flowing in a river, canal or drain, or the water held in a lake, dam or any other accumulation of water, or the water received by way of percolation, regeneration or release as well as in the ground water in the Punjab shall vest in the Government.

(2) No rights in any water of a river or lake as well as in ground water being supplied or likely to be supplied for a canal, drain or other irrigation work shall be acquired, claimed or continued against the Government under the Easements Act, 1882 (V of 1882) or under any other law that is for the time being in force.

**4. Certain rights of riparian owners protected.**— (1) Notwithstanding the provisions of section 3, the owner or occupier of a land through or contiguous to which runs any river, canal or drain, or contiguous to which or partly within which, is situated any lake or dam, shall have the right to take, free of charge, water from that river, canal, drain, lake or dam for one or more of the following purposes, namely:



- (a) domestic and ordinary use;
- (b) consumption of cattle or other stock not being the cattle or other stock raised at a scale which is prohibited under the relevant Standing Instruction; and
- (c) fire fighting.

(2) Nothing in this section shall confer any right to the owner or occupier to install any machine, appliance, contrivance or apparatus, or to carry out any work, or to do any other thing that causes obstruction of or interference in the river, lake, dam, canal or drain, or its bed, without permission under section 197.

**5. Rights to water accessed by public road etc.**— (1) Notwithstanding the provisions of section 3, any person may take, free of charge, water from any river, dam, lake, canal or drain to which there is an access by a public road at the point at which the water is taken, for:

- (a) domestic and ordinary use;
- (b) for consumption of cattle or other stock other than the cattle stock being raised at a scale which is prohibited under the relevant Standing Instruction; and
- (c) firefighting.

(2) Nothing in this section shall confer any right to a person to install any machine, appliance, contrivance or apparatus, or to carry out any work, or to do any other thing that causes obstruction of or interference to the river, dam, lake, canal or drain, or its bed, without having first obtained a permission under section 197.

**6. Certain abstraction rights to ground water sources protected.**— (1) Notwithstanding the provisions of section 3, an owner or occupier of a land may continue to abstract ground water free of charge, if he had been making such abstraction at the commencement of this Act for one or more of the following purposes:

- (a) domestic and ordinary use;
- (b) consumption of cattle or other stock not being the cattle or other stock being raised at a scale which is prohibited under the relevant Standing Instruction; and
- (c) irrigation of not more than twelve acres of land owned or occupied by him:

Provided that, in view of the respective Canal Officer, such abstraction does not diminish the rights of any other person or the amount of water previously committed towards any other purpose.

(2) All abstractions under subsection (1) shall be subject to the provisions of the Punjab Water Act, 2019 (XXI of 2019) or any other law for the time being in force.

**Illustration:** Where A is abstracting, free of any charge, Z liters of water a day from an underground water source X for domestic and ordinary use at the commencement of this Act, he may continue to abstract Z liters of water from X a day for domestic and ordinary use but not for any other purpose.

### **PART III ESTABLISHMENT**

**7. Territorial units.**— (1) On recommendation of the Secretary, the Chief Minister may, by notification in the official Gazette:

- (a) divide territories comprising the Punjab into suitable Regions;
- (b) a Region into two or more Canal Circles;
- (c) a Canal Circle into two or more Canal Divisions; and
- (d) a Canal Division into two or more Canal Sub-Divisions.

(2) The Zones, Canal Circles, Divisions and Sub-Divisions existing at the commencement of this Act shall respectively be deemed to be the Regions, Canal Circles, Divisions and Sub-Divisions constituted and notified under this section.

**8. Functional units.**— (1) On recommendation of the Secretary, the Chief Minister may, by notification in the official Gazette, constitute one or more units to provide specialized services or any other services common to all or some of the territorial units for the purpose of this Act.

(2) The functional units existing at the commencement of this Act shall be deemed to be the functional units constituted and notified under this section.

**9. Canal Officers and their charges.**— (1) In addition to such other class as may be specified by the Chief Minister from time to time, there shall be the following classes of Canal Officers:

- (a) Chief Engineer;
- (b) Superintending Canal Officer;
- (c) Divisional Canal Officer; and
- (d) Sub-Divisional Canal Officer.

(2) Subject to the provisions of this Act, the rules and the Standing Instructions, a Chief Engineer shall be the in-charge of:

- (a) construction, maintenance, repair, renewing and efficient and safe operations of all irrigation works situated in the Region under his charge;
- (b) management, improvement and conservation of all rivers flowing through the Region under his charge;
- (c) measures necessary to avert risks associated with and to prevent and control any public injury from riverine flooding in the Region under his charge; and
- (d) any other matter ancillary to the above.

(3) A Chief Engineer shall be the principal advisor to the Secretary on the matters mentioned under subsection (2) or on which his advice is sought.

**10. Appointment of Canal Officers and other officers.**— All Canal Officers and other officers and staff entrusted with any duty or invested with any power under or in relation to this Act shall be appointed in the prescribed manner.

**11. General duties and powers of Canal Officers.**— (1) The general duties of a Canal Officer shall be to:

- (a) make investigations, surveys and measurements and do other similar works for purposes of this Act;
- (b) construct, maintain, repair and renew irrigation works;
- (c) supply canal water to the irrigators as per their authorized shares; and
- (d) carry out any other duty or to exercise any other power that may be assigned to or invested in him under this Act or by any authority to whom he is subordinate to.

(2) For the purpose of this section, a Canal Officer may:

- (a) enter upon, and if so required take possession of and lift and use earth and other materials from any land which is contiguous to or through which a river, dam, lake, canal, drain, embankment or any other irrigation work passes or is situated upon, for the purpose of maintaining, renewing, running and repairing that dam, canal, drain, embankment or other irrigation work and managing that river or lake;
- (b) enter upon any land mentioned under clause (a) and undertake any survey, inspection and investigation, or dig and bore into it, and setup and maintain suitable landmarks, level-marks and water gauges on it;
- (c) enter upon any land mentioned under clause (a) and cut down and clear away any part of a building, fence, standing crop or a tree existing or grown on it, where, in his view, such maintenance, renewal, repair, proper running or management or, as the case may be, survey, inspection and investigation, or

digging or boring, or setting up and maintenance of a land mark, level-mark or water gauge cannot otherwise be satisfactorily undertaken;

- (d) enter upon any land, watercourse, building, installation or other facility for the purpose of inspecting, measuring or regulating the use of any water supplied or used from a river, canal or drain, or abstracted from ground, or of inspecting and measuring the lands irrigated thereby or chargeable with any rate, charge, contribution, penalty or any other sum under this Act;
- (e) bring upon, make, maintain, or remove such weirs, trenches, drains, outfalls, sluices, pipes, banks, appliances, plants, tools, or other things from a river, dam, lake, canal, drain, dam or other irrigation work as he considers fit; and
- (f) clean any river, dam, lake, canal, drain, watercourse and any other irrigation work and clear or remove from it or from its banks any vegetation or tree and any log, refuse, soil or any other obstruction that impedes or is likely to impede natural flow of water in it, or otherwise impacts its efficacy, safe running or structural integrity.

(3) Save where in view of a Canal Officer it is necessary to immediately do so to prevent or deal with any breach or leakage of water from a canal, drain, embankment or other irrigation work, or to prevent or deal with any situation that risks its safety or structural integrity, or unless it is so done, a sudden and extensive public injury is likely to occur, or to detect and prevent any unauthorized supply or use of water of a river, canal or drain, or abstraction of ground water or any work, undertaking or any other thing prohibited under this Act:

- (a) the power to enter upon any land and take into possession of and lift and use earth and other materials from it, shall not be exercised except with the consent of the owner or occupier of such land, and where such consent is not forthcoming, after giving the owner or occupier a notice of not less than seven days in writing of intention to enter and take into possession of and lift and use earth and other materials;
- (b) the power to enter upon any land, building, installation or facility to undertake any survey, inspection and investigation, or to maintain any landmarks, level-marks and water gauges, or to inspect, measure or regulate the use of canal water supplied, or to inspect and measure the lands irrigated by canal water shall not be exercised except with the consent of the owner or occupier of such land, building, installation or facility, and where such consent is not forthcoming, after giving the owner or occupier a notice of not less than three days in writing of intention to enter;
- (c) the power to enter upon any land, building, installation or facility to dig and bore into it, or to setup suitable landmarks, level-marks and water gauges shall not be exercised except with the consent of the owner or occupier of such land, building, installation or facility, and where such consent is not forthcoming, after giving the owner or occupier a notice of not less than fifteen days in writing of intention to enter; and
- (d) the power to enter upon to cut down and clear away any part or whole of a building, fence, standing crop, or a tree shall not be exercised except with the consent of the owner of such building, fence, standing crop or tree or where such owner fails to cut down and clear it away within twenty-eight days of the service of a notice upon him for this purpose.

(4) The powers invested upon a Canal Officer under this section may also be exercised by his agent or any other person, generally or specifically, authorized by him in this behalf.

**12. Compensation for damage to land etc.**— (1) Any owner or occupier who has suffered any damage due to entry or use of his land, or cutting down or clearing away of any part or whole of a

building, fence, standing crop, or a tree under section 11, may make a claim to the Collector for award of compensation which shall be decided in terms of section 4 of the Land Acquisition Act, 1894 (I of 1894).

(2) No such claim shall be admitted after expiry of one year from the date of the entry or use of the land, or cutting down or clearing away of any part or whole of a building, fence, standing crop, or a tree complained of unless the Collector is satisfied that the claimant had sufficient cause for not making the claim within such period.

**13. Sub-ordination of Canal Officers.**—(1) All Canal Officers, other officers and staff appointed under this Act shall be subject to the superintendence and general control of the Secretary.

(2) All Canal Officers appointed in a Region shall be subordinate to the Chief Engineer in-charge of that Region.

(3) All Canal Officers appointed in a Canal Circle, Division and Sub-Division shall respectively be subordinate to the Superintending Canal Officer in-charge of that Circle, Divisional Canal Officer in-charge of that Division, and as the case may be, Sub-Divisional Canal Officer in-charge of that Sub-Division.

**14. Manner of performance of duties by Canal Officers.**—(1) Where any duty is to be performed or a power is to be exercised by a Canal Officer under this Act and the class of Canal Officer is not specified, the rules regulating the performance of such duty or exercise of such power shall specify the class of Canal Officers by which it is to be performed or exercised.

(2) The rules may also be made under this Act prescribing generally the class of Canal Officers which is to perform any duty or exercise any power which, under this Act, is to be performed or exercised by a Canal Officer.

(3) Where the class of Canal Officers which is to perform any duty or exercise any power under this Act is not prescribed under subsection (1) or subsection (2), such duty shall be performed and such power shall be exercised by the officer specified in the relevant Standing Instruction.

**15. Conferment of duties and powers of a Canal Officer upon other officers and persons.**—(1) The Government may assign all or any of the duties of a Canal Officer to and invest all or any of the powers of a Canal Officer under this Act upon any of its officers or any other person.

(2) Subject to subsection (1), where he considers it so expedient, the Secretary may assign all or any of the duties of a Canal Officer to and invest all or any of the powers of a Canal Officer under this Act upon:

- (a) any officer other than a Canal Officer appointed under this Act; and
- (b) any person appointed in relation to the construction, maintenance, repair, renewing and operations of a private canal, drain or embankment.

(3) An officer or other person who has been assigned any duty or invested with any power of a Canal Officer shall remain under the superintendence and general control of the Secretary, and unless otherwise specified:

- (a) in case he is assigned any duty or invested with any power of a Chief Engineer, work under the instructions of the Chief Engineer in-charge of the respective Region;
- (b) in case he is assigned any duty or invested with any power of a Superintending Canal Officer, work under the instructions of the Superintending Canal Officer in-charge of the respective Circle;
- (c) in case he is assigned any duty or invested with any power of a Divisional Canal Officer, work under the instructions of the Divisional Canal Officer in-charge of the respective Division; and

(d) in case he is assigned any duty or invested with any power of a Sub-Divisional Canal Officer, work under the instructions of the Sub-Divisional Canal Officer in-charge of the respective Sub-Division.

(4) Any officer or other person assigned any duty or invested with any power of a Canal Officer under subsection (1) shall, in so far as the performance of such duty or exercise of such power, remain subject to the provisions of this Act.

(5) Any other person assigned with any duty or invested with any power of a Canal Officer under subsection (1) or, as the case may be, subsection (2) shall, in so far as the performance of such duty or exercise of such power, be deemed to be a public servant within the meanings of section 21 of the Pakistan Penal Code 1860 (XLV of 1860).

#### **PART IV IRRIGATION AND RECLAMATION SCHEMES**

**16. Powers to apply natural water for the purpose of a canal.**— Subject to the provisions of this Act, the following may, at any time, be applied to or used for the purpose of a canal:

- (a) any water flowing in a river, canal or drain, or the water that is held in any lake, dam, or any other accumulation of water;
- (b) any water received or which has become available by way of percolation, regeneration or release;
- (c) any water abstracted from an underground water source; and
- (d) any water from any other source considered suitable by the Government.

**17. Power to provide drain and reclaim an area.**— Subject to the provisions of this Act, where it is expedient to reclaim an area by providing a drain, it may be so reclaimed.

**18. Limits of compensation on account of application of water or reclamation of an area.**—

(1) Whenever water is applied to or used for the purpose of a canal under section 16 or an affected area is reclaimed under section 17, no compensation shall be admissible for any damage that may be caused by:

- (a) stoppage or diminution of water for irrigation of a land, or any other undertaking including an irrigation work erected for profit;
- (b) stoppage or diminution of water flowing through any reach of a river or any other canal or drain, or stoppage or diminution of water that is generally available in an area by way of percolation or floods;
- (c) stoppage of navigation, or of means of drifting timber or other goods;
- (d) deterioration of climate or soil; and
- (e) interruption of watering of cattle, or use of water for domestic or other purposes.

(2) No claim for compensation on any other ground shall be admissible against the Government after expiry of ninety days from the date of application or use of water for the purpose of a canal or completion of a drain or other irrigation work.

(3) Nothing in this section shall apply to a private canal and a private drain.

**19. Prohibition on construction of private canals and reclamation works.**— (1) No person, shall construct or maintain, repair, renew or run a private canal or a private drain, or profit from it in any manner, without obtaining the requisite concession under section 24.

(2) Where a person commences or proceeds with the construction of a private canal or a private drain without the requisite concession, or contrary to any condition of such permission, the Superintending Canal Officer, or any other Canal Officer authorized by the Secretary in this behalf, may after providing such person an opportunity of being heard, prohibit such construction.

(3) Where a person has constructed a private canal or a private drain without the requisite concession, or contrary to any condition of such concession, the Superintending Canal Officer, or any

other Canal Officer authorized by the Secretary in this behalf, may after providing such person an opportunity of being heard, close such private canal or private drain and, as the case may be, shut off the supply of water thereto, and may further, by general proclamation, prohibit maintenance, repair, renewing of the private canal or the private drain or prohibit continuing the use of its water by the said person and any other person.

**20. Preparation of provisional schemes.**— (1) Where he considers it expedient to do so, the Secretary may:

- (a) cause an irrigation scheme to be prepared to apply any conveniently available water to a canal in the most advantageous and economic manner; and
- (b) cause a reclamation scheme to be prepared to construct a drain to reclaim an area in the most advantageous and economic manner.

(2) In so far as practicable, every provisional irrigation and reclamation scheme shall, among other things describe in general terms:

- (a) the lands which could conveniently and economically be irrigated or, as the case may be, reclaimed by it;
- (b) the source of obtaining water therefor and volume of such water;
- (c) the works that are necessary for receiving, collecting, storing, conserving and distributing the water or reclamation of the lands referred to at serial (a);
- (d) an estimate of capital cost as well as annual cost of maintaining the proposed works; and
- (e) an estimate of annual revenue which is likely to be derived from it.

(3) Nothing contained in this section and sections 21, 22 and 23, shall apply to a scheme for renewal, repair or extension of an existing canal or an existing drain, or their associated canals or tributaries, or enhancement of their capacity.

**21. Publication of provisional schemes.**— (1) As soon as may be after the preparation of a provisional irrigation or reclamation scheme, the Secretary may, with the permission of the Minister, cause to be published in an issue of a reputable daily newspaper a notice specifying:

- (a) that the provisional scheme has been so prepared;
- (b) the lands which are likely to be irrigated or, as the case may be, reclaimed under the provisional scheme;
- (c) the name and address of a Canal Officer from whom copies of the provisional scheme and related plan may be obtained on payment of a fee fixed by the Secretary by a day falling no earlier than fifteen days from the date of such publication;
- (d) that any objection to the provisional scheme may be made and the name and address of a Canal Officer to whom such objection may be made by a day falling no earlier than thirty days from the last date for obtaining copies of the provisional schemes and related plans.

(2) The said fee shall be so fixed by the Secretary that a reasonable part of the expense made in relation to the preparation of provisional scheme, publication of notice and receipt and disposal of objection to it in terms of section 22 is recovered through the sums so received.

**22. Submission and disposal of objections to provisional scheme.**— (1) Any interested person may, by the date fixed under section 21, submit his objection to the provisional scheme, giving facts and reasons he relies upon therefor, on one or more of the following grounds:

- (a) it is unnecessary or impracticable for any reason;
- (b) it is likely to be uneconomical; and

- (c) the volume of water proposed for the use under the scheme from a source of supply is such that it may seriously prejudice his right to irrigation or other right from that source.

(2) Where he considers it so expedient, the Secretary may depute a Canal Officer to hear an interested person making an objection, or to hold a public inquiry on any matter of general importance or concern brought out in an objection.

(3) The Canal Officer deputed for hearing an interested person or, as the case may be, to hold a public inquiry shall, without any unnecessary delay, submit to the Secretary a succinct report on his findings as to whether the objection is invalid or insufficient or shall, wholly or partly be accepted.

**23. Approval of provisional schemes.**—(1) As soon as may be after expiry of the date of submission of objections and, as the case may be, receipt of report from Canal Officer deputed for hearing objections or holding a public inquiry under section 22, the Secretary may submit the provisional scheme to the Government for approval citing his opinion on the objections received in this respect.

(2) Where the Government is satisfied that the implementation of any provisional scheme is likely to be in the public interest, it may approve it with or without any modifications.

**24. Schemes for construction of private canals and drains.**—(1) Any person desiring to construct a private canal or a private drain, may prepare a provisional scheme and present it to the Secretary for obtaining a concession in this respect.

(2) Where he considers it so expedient, the Secretary shall cause the provisional scheme to be examined with reference to:

- (a) the impact it is likely to have on any existing or proposed canal, drain or other irrigation work or on the water of the river, lake or any other accumulation of water or the underground water identified as source of water to be applied to or used for the proposed scheme;
- (b) the adequacy of the works proposed in relation to it;
- (c) the extent to which estimate of capital cost as well as annual cost of maintaining the proposed works is appropriate;
- (d) the extent to which annual revenues proposed to be driven from it with respect to the estimate of capital cost and annual cost of maintaining the proposed works are appropriate; and
- (e) any other matter which he considers relevant.

(3) After such examination, the Secretary may:

- (a) publish the provisional scheme and invite and dispose of any objection to it in terms of sections 21 and 22 in so far as may be;
- (b) require the person presenting it to improve, modify or amend it; or
- (c) reject the provisional scheme where he considers it to be seriously deficient or against the public interest.

(4) Where, after having considered the objections if any, and, as the case may be, report of the Canal Officer submitted to him, the Secretary considers that the provisional scheme is fit for approval, he may lay it before the Cabinet.

(5) Where the Government is satisfied that the provisional scheme is fit for approval, it may:

- (a) approve it with or without any modifications;
- (b) allow the Secretary to grant concession in this respect; and
- (c) fix the duration of concession and associated charges and any other term or condition as is appropriate in the circumstances of the case.

**PART V**  
**OF CONSTRUCTION AND RUNNING OF**  
**CANALS AND DRAINS**

**25. Powers of a Canal Officer to enter upon land and work on construction of a canal or drain.**— (1) At any date after the approval of an irrigation or reclamation scheme under section 23, a Canal Officer, duly empowered by the Secretary in this behalf, may for the purpose of such scheme:

- (a) enter upon any land through which the canal or, as the case may be, drain proposed under the scheme is likely to pass or the land which is contiguous to it and exercise any general power conferred upon a Canal Officer under section 11 in respect of such land;
- (b) work on a river, lake or any other accumulation of water identified as a source for obtaining water for the proposed canal; and
- (c) do any other work or thing which, in his view, is necessary for such purpose.

(2) The powers invested upon a Canal Officer under this section may also be exercised by his agent and other person, generally or specifically, authorized by him in this behalf.

(3) The provisions of this section shall also apply to the construction of a private canal or private drain in so far as may be, and the powers of a Canal Officer in this respect may be exercised by any person authorized by the Secretary in this behalf.

**26. Responsibility to provide means of crossing etc. at canals and drains.**— (1) In respect of every canal and drain constructed under a scheme referred to in section 23, the Government, and in respect of every private canal and private drain constructed under a scheme referred to in section 24, the person proposing such scheme, shall construct and maintain all works necessary for:

- (a) the passage across any water course, public road, railway, pipe line or line of poles existing at the time of its construction;
- (b) affording communication across it for reasonable convenience of the occupants of neighbouring lands; and
- (c) drainage of adjacent lands being obstructed by such canal or drain.

(2) No person shall provide or maintain a mean for the crossing a canal or drain, or a mean for drainage of adjacent lands being obstructed by it, unless he has obtained a written permission from:

- (a) in case of a canal or drain constructed under a scheme referred to in section 23, an authorized Canal Officer in terms of section 197; and
- (b) in case of a private canal or drain constructed under a scheme referred to in section 24, the person proposing such scheme.

**27. Removal of any obstruction to drainage.**— (1) Where, in view of a Divisional Canal Officer, any injury to public health or convenience, or damage or loss to any irrigation work, or interruption of normal course of irrigation or drainage of any land under his charge, has arisen or is likely to arise from the obstruction of any river, canal, water course, drain or other accumulation of water, he may through a written order:

- (a) prohibit the formation of any such obstruction; or
- (b) require the person causing or having control over such obstruction to remove or modify it by a day fixed in such order.

(2) If, by the fixed date, such person does not comply with the order under subsection (1), the Divisional Canal Officer may cause the obstruction to be removed or modified at his expense; and if the person to whom the order was issued does not, when called upon, pay the expenses of such removal or modification in full, such expenses shall be recovered from him as an arrear of land revenue.



**28. Amount of water to be supplied to a canal and the shares of irrigators therein.**— (1) In so far as practicable, the amount of water supplied to a canal during any crop season shall not be less than that what is required to meet the needs of:

- (a) its irrigation area in view of the approved water allowance; and
- (b) any other use referred to in section 49.

(2) In case of its application for irrigation of lands, the share of an irrigator in the water of a canal shall be a function of the lands owned or occupied by him for which permission to use such water has been obtained in terms of section 53 and the approved water allowance of that canal.

(3) In case of its application for any use other than the irrigation of lands, the share of an irrigator in the water of a canal shall be such as fixed under section 53 in view of:

- (a) the total allocation made available for that use in the canal under the approved irrigation scheme and if no such scheme exists, in any project document or previous approval which reflects such allocation or any other evidence of such use as a matter of long practice; or
- (b) the total allocation for that use allowed in that canal under the Punjab Water Act, 2019 (XXI of 2019).

(4) In so far as practicable, the share of each irrigator in the water of a canal shall be delivered to him in full at such intervals as are approved for that canal for the relevant crop season.

(5) Where for any reason, it is impracticable to deliver full share to an irrigator during any period of a crop season, the shortages, during such period, shall be, in so far as practicable, distributed among all irrigators of that canal equitably.

**29. Addition of new areas to irrigation area of a canal.**— (1) No new area shall be added to the existing irrigation area of a canal unless sufficient surplus water becomes available in it or any other canal in the Punjab by:

- (a) cutting off of a part of supplies from a canal committed to the irrigation of any land or other use under section 58;
- (b) reduction in the approved water allowance of a canal by the Government to an extent that it does not significantly affect the rights of existing irrigators; or
- (c) an increase in the volume of water being supplied to that canal.

(2) The new area added to the existing irrigation area of a canal under this section shall not exceed the area which can conveniently be irrigated by the water becoming surplus in view of the approved or reduced water allowance of that canal.

(3) Any surplus water shall be applied to various new areas in such order of priority and in such manner as may be fixed under the rules.

**30. Preparation of seasonal canal regulation plans.**— (1) Sufficiently before the commencement of every crop season, the Secretary shall cause to be prepared a plan for the distribution of water likely to become available from all sources during different periods of that crop season among all canals in the Punjab having regards to their water requirement in terms of section 28.

(2) Where, for any reason, the water likely to become available, or having become available is insufficient to meet the requirement of all canals in the Punjab during any period of a crop season, then the shortages, during such period, shall be, in so far as practicable distributed among all canals in the Punjab equitably.

**31. Quality of canal water etc. and prohibition to discharge noxious materials therein.**— (1) The quality of water in every canal and drain shall, at all times, meet the minimum standards fixed in this regard.

(2) No person shall discharge any solid or liquid material in a canal or a drain, which does not meet minimum standards for quality of water fixed for that canal or, as the case may be, the drain at the point of such discharge.

**32. Minimum standards of irrigation and drainage services.**— (1) The minimum standards for the provision of irrigation and drainage services in the Punjab shall be such as may be fixed under the rules.

(2) It shall be the duty of every Canal Officer not to let the quality of irrigation and drainage service fall below such minimum standards within the area under his charge.

(3) No later than six weeks of the culmination of every crop season, the Secretary shall cause a report as to the quality of irrigation and drainage services provided during that crop season against the said standards to be prepared and laid before the Minister.

(4) The Secretary shall arrange for every such report to be available for public inspection at his office during usual working hours at reasonable notice.

**33. Independent measurement of standard of service.**— (1) The Government shall maintain an adequately resourced unit to undertake, among other things, the following duties:

- (a) inspection of all canals and drains in the Punjab at regular intervals;
- (b) submission to the Secretary, at regular intervals, reports on general condition of canal and drains in the Punjab, measurement of discharge at their various reaches, adequacy of irrigation supplies to various irrigation areas, and all incidents of unauthorized use of canal water and other related matters; and
- (c) independent measurement of quality of irrigation and drainage services against the standards referred to at section 32.

(2) The unit shall consist of a head and other officers and staff of such description and in such number as the Government may, from time to time, fix.

(3) The head, officers and staff shall be appointed in such manner and perform such duties and exercise such powers as may be prescribed.

(4) The head of the unit may, for the purpose of subsection (1), make or cause to be made such investigations and gather or cause to be gathered such information and statistics as he considers to be necessary.

(5) Every Canal Officer shall fully assist the unit in the discharge of its duties under this Act.

## PART VI VILLAGE IRRIGATION PLANS AND WATER COURSES

**34. Preparation and publication of draft village irrigation plans.**— (1) In respect of each outlet under his charge for which no plan has previously been approved, the Divisional Canal Officer shall, by a notice, invite all owners and occupiers of lands included in the irrigation area of that outlet, as well as other irrigators permitted to receive canal water from that outlet for a purpose other than irrigation of lands in terms of section 53, to prepare and submit before him by a day falling no earlier than thirty days from the date of the notice, a draft plan for the construction of one or more water courses to carry canal water to the said lands and, as the case may be, to other places for the permitted use.

(2) Every draft village irrigation plan shall:

- (a) be accompanied with a to the scale sketch of irrigation area of the related outlet indicating the length, alignment and layout of every proposed water course with the lands and other places, identified by their respective survey number, to be supplied from it;

- (b) identify owners or occupiers of the lands and other irrigators who are likely to benefit from every proposed water course;
- (c) provide an estimate of expenses likely to be incurred on the construction and subsequent maintenance of every proposed water course as well as a rough schedule of work indicating the period of completion of such construction either jointly or severally; and
- (d) clearly explain the extent of liability of each owner or occupier of land and other irrigator towards the construction of every proposed water course.

(3) Where no draft village irrigation plan is received by the fixed date, the Divisional Canal Officer shall, with the consensus of not less than one half of the owners or occupiers of lands included in the irrigation area of such outlet and other irrigators permitted to receive canal water from such outlet for a purpose other than irrigation of lands, prepare the draft plan himself.

(4) As soon as may be after submission or preparation of the draft village irrigation plan, the Divisional Canal Officer shall:

- (a) cause it to be conspicuously displayed in all revenue estates in which the irrigation area of the outlet falls as well as outside his office and offices of the respective Sub-Divisional Canal Officer and Collector; and
- (b) through a notice invite objections by a day falling no earlier than fifteen days from the date of such notice as to why it shall not be approved.

**35. Approval of village irrigation plans.**— (1) Within thirty days following the last day fixed for the submission, the Divisional Canal Officer shall carefully consider every objection as to its sufficiency and validity and approve the draft plan if he is satisfied that:

- (a) the length, alignment and layout of the proposed water courses is such that all lands included in the irrigation area of the outlet and such other places in respect of which supplies for a purpose other than irrigation of lands has been permitted from it under section 53 are likely to be supplied with the canal water conveniently and adequately;
- (b) no lands other than the lands comprising the irrigation area of the outlet and places are included in the draft plan; and
- (c) the estimate of expenses for the construction and maintenance of proposed water courses is not excessive.

(2) In case, the Divisional Canal Officer is not satisfied, he may approve the draft plan with such amendments as he considers expedient or reject it.

(3) Where a draft plan is rejected, the Divisional Canal Officer shall proceed to invite submission of a fresh draft plan in terms of section 34.

**36. Notice to irrigators etc. to construct an approved water course.**— As soon as may be following the approval of a village irrigation plan, the Divisional Canal Officer shall, through a notice, call upon the owners and occupiers of lands and other irrigators eligible to receive canal water from a water course approved under such plan to construct that water course at their own expense within the period specified in such notice.

**37. Construction of approved water course by irrigators.**— (1) Following the notice under section 36, any owner or occupier of land or other irrigator eligible to receive canal water from a water course included in the approved village irrigation plan, may proceed with the construction of that water course with the agreement of the owners of land required therefor.

(2) Any such owner or occupier of land or other irrigator being unable to construct the water course under an agreement with the owner of land required therefor, may apply to the Divisional Canal Officer stating that:

- (a) he is ready to defray all expenses necessary for the acquisition of the land and construction of such water course; and
- (b) he desires the Divisional Canal Officer on his behalf and at his cost to do all things necessary for constructing such water course.

(3) Thereupon, the Divisional Canal Officer may require such owner, occupier or other irrigator to deposit such part of the expense as he considers necessary, and after that deposit has been made, he shall forthwith proceed with acquisition of land which, in his opinion, is necessary to occupy for construction of such water course in terms of section 190.

(4) Where a person applies to obtain part ownership of such water course, and his application is admitted by the Divisional Canal Officer, such person shall pay his share in the construction of the water course and in the cost of acquiring land for it, and shall become an owner of such water course when constructed.

(5) On being put into possession of the required land, the Divisional Canal Officer shall forthwith proceed with the construction of the water course and on its completion give to every owner of the water course, a notice:

- (a) of such completion; and
- (b) of any sum payable by him on account of construction of the water course and the cost of acquiring land for it by a day falling no earlier than thirty days from the date of such notice.

(6) On such notice being given, the sum mentioned therein shall become due from the owner to the Divisional Canal Officer and shall be paid in full by the fixed date.

(7) The Divisional Canal Officer shall forthwith pass over the possession of water course to every owner making payment of all expenses incurred in full.

(8) Any sum which is payable by an owner to the Divisional Canal Officer but is not paid in full by the fixed date, shall be recovered from him as an arrear of land revenue.

**38. Construction of approved water course on failure of irrigators to do so.**— (1) Where no owner or occupier of land or other irrigator eligible to receive canal water from a water course included in an approved village irrigation plan proceeds with the construction of that water course within the period specified in the notice made under section 36, the Divisional Canal Officer may, with the permission of the Superintending Canal Officer, cause that water course to be constructed on their behalf and at their expense.

(2) All cost of constructing the water course and acquiring any land therefor shall be recoverable from:

- (a) every owner and occupier of land in proportion to the land owned or, as the case may be, occupied by him which is likely to receive canal water from that water course, and
- (b) every other irrigator in proportion to the share of canal water likely to be received by him from that water course.

(3) As soon as may be after the completion of the water course, the Divisional Canal Officer shall give to every such owner or occupier of land and other irrigator a notice:

- (a) of such completion; and
- (b) of any sum payable by him on account of construction of the water course and the cost of acquiring land for it in lump sum or in instalments by a fixed date.

(4) On such notice being given, the sum mentioned therein shall become due from every owner or occupier of land and other irrigator to the Divisional Canal Officer and shall be paid in full by such date as may be mentioned in the notice.

(5) On receipt of payment in full of all expenses incurred, the Divisional Canal Officer shall make over the possession of the water course to the owner or occupiers of land and other irrigators.

(6) Any sum which is payable by an owner or occupier of land or other irrigator to the Divisional Canal Officer but is not paid in full by the specified date, shall be recovered from him as an arrear of land revenue.

**39. Construction of a new or alteration of an existing water course.**— (1) Any owner or occupier of land or other irrigator eligible to receive canal water may, at any time, apply to the Divisional Canal Officer for permission to construct a water course, other than a water course included in an approved village irrigation plan, or alteration of any existing water course in any manner.

(2) Every such application shall:

- (a) be accompanied with a to the scale sketch of irrigation area of the related outlet indicating the length, alignment and layout of the proposed water course with lands, identified by their respective survey number, to be supplied from it;
- (b) identify owners or occupiers of lands and other irrigators who are likely to benefit from the proposed water course;
- (c) provide an estimate of expenses likely to be incurred on the construction and subsequent maintenance of the proposed water course as well as a rough schedule of work indicating the period within which the owners or occupiers of land and other irrigators will construct it either jointly or severally; and
- (d) clearly explain the extent of liability of each owner or occupier of land and other irrigator towards the construction of the proposed water course.

(3) Where he considers it to be so expedient, the Divisional Canal Officer may:

- (a) cause the application to be conspicuously displayed in all revenue estates in which the irrigation area of the outlet falls as well as outside his office and offices of the respective Sub-Divisional Canal Officer and Collector; and
- (b) through a notice invite objections by a day falling no earlier than fifteen days from the date of such notice as to why it shall not be approved.

(4) Within thirty days following the last date fixed of their submission, the Divisional Canal Officer shall carefully consider every objection as to its sufficiency and validity and may by a written order:

- (a) approve the application with or without any modification and incorporate the new or altered water course in the village irrigation plan; or
- (b) reject the application.

(5) The provisions of section 37 and 38 shall apply, in so far as may be, for the purpose of construction of a new water course under this section.

(6) Where at any time, the Divisional Canal Officer himself considers that the construction of a water course other than the water course included in an approved village irrigation plan or, alteration of any existing water course is expedient in the interest of better irrigation, he may proceed with the construction or alteration of such water course and other provisions of this section shall apply, in so far as may be, for such purpose.

**40. Duty of persons accepting supply of water from a canal to allow use of their lands for construction of water course.**— Every person who accepts the supply of canal water under an approved or revised village irrigation plan shall allow, free of any charge, the use of the land owned or occupied by him for the construction of water course as per the length, alignment and layout given in such village irrigation plan.

**41. Certain obligations of water course owners.**— (1) Every owner of a water course shall:

- (a) maintain the water course in a fit state of repair;

- (b) construct and maintain all works necessary for the passage across such water course of canals, water courses, drainage channels and public roads and railways existing at the time of its construction, and of the drainage intercepted by it and for affording proper communication across it for reasonable convenience of the occupants of neighbouring lands; and
- (c) allow the use of the water course to other owner or occupiers of land and other irrigators or to admit other persons as joint owners thereof, on such conditions, as may be provided under section 43.

(2) Where an owner of a water course fails to fulfil any such obligation, the Sub-Divisional Canal Officer may, by a written notice, require him to show cause for such failure on a day falling no earlier than fifteen days from the date of such notice.

(3) If the owner of the water course ignores the said notice or his reply to the notice is, in the view of the Sub-Divisional Officer, invalid or insufficient, he may by a written order:

- (a) require him to carry out the necessary work or repair by a fixed date;
- (b) allow any owner or occupier of land and other irrigator to use the water course on conditions determined under section 43; or
- (c) admit any other person as joint owner of the watercourse.

(4) If the owner of the water course fails to carry out the necessary work or repair to the satisfaction of the Sub-Divisional Canal Officer by the fixed date, he may cause such work or repair to be carried out on behalf of the owner and all expenses incurred by him shall be a sum due to him by the owner, and if he does not, when called upon, make full payment, such expense shall be recovered from the owner as an arrear of land revenue.

**42. Resignation of interests by an owner of water course and its transfer to any other person.**— (1) Any owner of a water course may, by giving three months' previous notice in writing to the Divisional Canal Officer, resign his interests in such water course.

(2) Where on an application seeking transfer of the ownership of an existing water course, it appears to the Divisional Canal Officer expedient that such transfer shall be in the interest of better irrigation, he shall by a notice require the owner, or as the case may be, all owners of such water course to show cause on a day falling no earlier than fifteen days from the date of such notice as to why such transfer shall not be made, and if no objection is received by such day, or the objections received are invalid or insufficient, he may transfer it to the person making said application subject to such terms and conditions as he considers fit.

(3) The person making the application shall not be allowed to use the said water course unless:

- (a) he has paid to the owner, the compensation thereof in whatever shape it is determined through their mutual agreement; or
- (b) the possession of the water course has been acquired in terms of section 190 or otherwise under the provisions of the Land Acquisition Act, 1894 (I of 1894).

**43. Arrangement with an owner of water course by other persons for supply of water.**— (1) Any person desiring to obtain a supply of water through a water course of which he is not an owner, may make a private arrangement with the owner for permitting the conveyance of water thereby, or may apply to the respective Divisional Canal Officer to use such water course or to be declared a joint owner thereof.

(2) On receipt of any such application, the Divisional Canal Officer shall serve a notice upon the owner to show cause by a fixed date falling no earlier than fifteen days from the date of the notice as to why such use or, as the case may be, such declaration should not be allowed or made.

(3) If no such objection is received by the fixed date, or if any objection is received and is found to be insufficient or invalid, the Divisional Canal Officer shall allow such person to use the

said water course or, as the case may be, declare him a joint owner thereof on such conditions as to the payment of compensation or rent or otherwise as may appear to him equitable.

**44. Payment of cost of construction of water courses etc.**— (1) The cost of any land and of the construction of a water course in terms of sections 37, 38 or 39 shall be paid by each owner or occupier of land or other irrigator benefiting from it, either in full within such period, or in such instalments as the Divisional Canal Officer may fix under the relevant Standing Instruction.

(2) Where any owner or occupier of land or other irrigator has constructed a water course at his own cost or made available any part of his land for its construction, the Divisional Canal Officer shall determine the value of the construction, or as the case may be, the value of the land made available, and the value so determined shall be deducted from the cost payable by such owner or occupier of land or other irrigator.

(3) Nothing in this section shall prevent the Government or any person not being the owner or occupier of the land or other irrigator benefitting from it, from bearing the cost of construction of a water course or the value of the land made available for this purpose or both wholly or partly.

**45. Settlement of disputes as to mutual rights and obligations in a water course.**— (1) Whenever a dispute arises between two or more persons with regards to their mutual rights or obligations in respect of the use, construction or maintenance of a water course, or as to their respective shares of the expense of constructing or maintaining it, or as to the amounts severally contributed by them towards such expense, or as to the failure on the part of any owner to contribute his share, a person interested in the matter of such dispute may apply in writing to the Sub-Divisional Canal Officer.

(2) The Sub-Divisional Canal Officer shall thereupon give notice to the other persons interested on a day to be named in such notice, that he will proceed to inquire into the said matter.

(3) If all persons interested consent in writing to his being the arbitrator, the Sub-Divisional Canal Officer may pass such order thereon as he thinks fit.

(4) Failing such consent, the Sub-Divisional Canal Officer shall refer the matter to the Divisional Canal Officer who shall inquire into and pass such order thereon as he thinks fit and equitable.

(5) No order which adversely affects the interests of any person party to the dispute shall be made unless such person is given a reasonable opportunity of being heard.

**46. Prohibition on use of land of water courses for any other purpose and demolishing, altering or interfering with a water course.**— (1) No one shall put the land acquired for the construction of a water course or which has otherwise remained under a water course to any other use, or demolish, alter or interfere with a water course except with the written permission of the Superintending Canal Officer.

(2) On an application of any interested person, the Superintending Canal Officer may, after having invited objections from owners or occupiers of land or other irrigators whose canal water supplies are likely to be interrupted or diminished thereby:

- (a) allow the land acquired for the construction of a water course or which has otherwise remained under a water course to be put to any other use; or
- (b) allow that a water course shall be demolished, altered or otherwise interfered with by the persons so interested.

(3) While passing the order, the Superintending Canal Officer shall fix a date when such reuse of land, or demolition, alteration or interference with the water course shall take effect or commence, in such a manner that the owners or occupiers of land and other irrigators are left with sufficient time to obtain permission for the construction of a new or alteration of an existing water course under section 39 for continuing their supplies.

**47. Restoration of demolished or altered water courses.**— (1) Whenever a water course is demolished, altered, obstructed or damaged without proper authority, any person affected thereby may apply to the Sub-Divisional Canal Officer for directing that it shall be immediately restored to its original condition.

(2) On receiving such application, the Sub-Divisional Canal Officer may, after making such inquiry as he deems fit, by a notice in writing require the person found responsible for so demolishing, altering, obstructing or damaging the water course, to immediately restore it to its original condition, at his cost.

(3) If that person fails to restore the water course to its original condition, the Sub-Divisional Canal Officer may cause the water course to be restored to its original condition at his expense, and if he does not, when called upon, make full payment, such expense shall be recovered from him as an arrear of land revenue.

**48. Ledger of water courses.**— (1) Every Divisional Canal Officer shall maintain a ledger of all water courses within the Canal Division under his charge, and note thereupon, in respect of every water course, among other things:

- (a) the outlet from which it receives water;
- (b) the name of its owners and their respective responsibilities in relation to sharing the cost of its construction and maintenance;
- (c) a succinct description of its length, alignment and layout;
- (d) lands irrigated by it and, as the case may be, identity of other irrigators receiving canal water from it for purposes other than irrigation of lands;
- (e) a brief history of its performance; and

(2) The ledger shall also contain a well-drawn to the scale sketch of every water course indicating its length, alignment and layout with the lands and other places, identified by their respective survey numbers, supplied from it superimposed upon irrigation area of the outlet from which it receives canal water.

(3) Every Divisional Canal Officer shall arrange for the ledger to be available for public inspection at his office during usual working hours at reasonable notice.

## **PART VII SUPPLY OF CANAL WATER**

**49. Uses to which canal water may be applied.**— (1) The canal water may be applied for one or more of the following uses:

- (a) irrigation of lands;
- (b) raising of orchards, trees and forest and other similar purposes;
- (c) drinking and other ordinary domestic purposes;
- (d) watering of cattle and other stock as well as wildlife, and raising of fish including filling of ponds for this purpose;
- (e) industrial manufacturing or any other industrial process including the use of the force of flowing water for any purpose;
- (f) maintenance or enhancement of ground water resources; and
- (g) protection or enhancement of environment, ecology and esthetics, and creating opportunities for recreation and rejuvenation.

(2) The supply of canal water shall be subject to the payment of such rates at such intervals as may be fixed from time to time under section 136 or any other provision of this Act.

(3) In relation to the application of canal water, every person shall avoid undue wastage and, in so far as possible, abide by the instructions of a Canal Officer passed in the interest of conservation and enhancing the productivity of canal water.



**50. Canal water to be supplied through sanctioned outlets.**— (1) The canal water for all uses except that relating to the use of force of flowing water for any purpose shall be supplied through a sanctioned outlet.

(2) The outlets shall be of such types and sizes and may be sanctioned by such class of Canal Officers and in such manner and subject to such terms and conditions as may be specified in the relevant Standing Instruction.

**51. Outlets to generally supply canal water under gravity.**— (1) The canal water shall generally be supplied from an outlet under gravity.

(2) Where, for any reason, it is not possible to supply water from a canal to any land included in its irrigation area under gravity, it may be supplied by lifting it to an appropriate level through mechanical or other means.

(3) Where the land to which canal water cannot be supplied except by lifting is included in the irrigation area of a canal under section 29, all expenses in relation to the provision, maintenance and operation of any mechanical or other mean for such lifting shall be borne by the benefiting irrigators severally or jointly.

**52. Ledger of outlets.**— (1) Every Divisional Canal Officer shall maintain a ledger of all outlets within the Canal Division under his charge, and note thereupon, in respect of every outlet, among other things:

- (a) its exact location on the respective canal, authorized type, basic dimensions including the level of its crest, and the discharge it is expected to pass; and
- (b) a brief history of its performance during the last five years.

(2) Every Divisional Canal Officer shall arrange for the ledger to be available for public inspection at his office during usual working hours at reasonable notice.

**53. Prohibition to use canal water without permission and method of obtaining such permissions.**— (1) No person shall receive or apply water of a canal except with the permission obtained under this section.

(2) Any owner or occupier of a land who desires to receive and apply water from a canal for irrigation of any land may, at any time, apply to the Divisional Canal Officer in writing, mentioning:

- (a) the name of the revenue estate or, as the case may be, the estates in which the said land is situated;
- (b) survey numbers of the said land; and
- (c) particulars of the outlet he prefers to draw water from.

(3) The Divisional Canal Officer may, after making such inquiry as he deems fit, allow an application wholly or partly, if the land for which water is required:

- (a) is included in the irrigation area of the respective canal;
- (b) is situated at such position and elevation with respect to the preferred or any other outlet that it can conveniently and economically be supplied canal water therefrom;
- (c) in its given state, is fit for agriculture.

(4) Any person who desires to receive and apply water from a canal for any use other than that of irrigation of lands, shall apply in writing to the Secretary, who may, after making such inquiry as he deems fit, allow it wholly or partly:

- (a) if sufficient water out of the allocation made or allowed for such use in the said canal in terms of section 28 is for the time being available; and
- (b) where no such water is available, the water available for irrigation of lands or any other use mentioned at section 49 is in such volume that its diversion to

the use applied for is unlikely to significantly impact the rights of existing irrigators.

(5) No person shall be permitted to obtain water from a canal in excess of his share in that canal in terms of section 28.

**54. Prohibition on use of percolated water without permission and method of obtaining such permissions.**— (1) No person shall obtain or apply any water which has become available by way of percolation or leakage from a river, canal, drain or other irrigation work by means such as sinking of a well in its reasonable vicinity, except with the permission obtained under this section.

(2) Any owner or occupier of a land who desires to obtain and apply percolated water for irrigation of any land may, at any time, apply to the Divisional Canal Officer in writing, mentioning:

- (a) the name of the revenue estate or, as the case may be, the estates in which the said land is situated;
- (b) survey numbers of the said land; and
- (c) location from where he prefers to draw water from.

(3) The Divisional Canal Officer may, after making such inquiry as he deems fit, allow an application wholly or partly.

(4) Any person who desires to obtain and apply percolated water for any use other than that of irrigation of lands, shall apply to the Secretary in writing, who may, after making such inquiry as he deems fit, allow it wholly or partly.

**55. Permission to use canal or percolated water to be transferable with land etc.**— Where canal water or percolated water is supplied to a land, building, installation or facility under a permission obtained in terms of section 53 or 54, such permission shall be transferable therewith and shall be presumed to have been transferred whenever such land, building, installation or facility is transferred from the owner or occupier of the land or any other irrigator who had obtained said permission to any other person.

**56. Prohibition on sale of canal water without permission.**— No person eligible to the use of any work or land appertaining to any canal, and in the like manner, no person permitted to obtain canal water shall sell or sub-let the canal water or percolated so obtained, or the right to obtain such water, to any other person except with the written permission of the Superintending Canal Officer.

**57. Village irrigation schedules.**— (1) The turn in which an irrigator may obtain his share of canal water from an outlet, and the order, duration and rotation of such turn shall be such as may be determined by Khal Panchayats of that outlet, and in case no such Khal Panchayat is, for the time being, in office for any reason, by the irrigators of such outlet amongst themselves.

(2) On an application from an irrigator stating that village irrigation schedule for the outlet from which he has been permitted to obtain canal water has not been prepared in terms of subsection (1), the Sub-Divisional Canal Officer shall forthwith prepare a draft schedule and:

- (a) cause it to be conspicuously displayed in all revenue estates in which the irrigation area of the outlet falls as well as outside his office; and
- (b) through a notice invite objections by a day falling no earlier than fifteen days from the date of such notice as to why it shall not be approved.

(3) Where no objection is received by the fixed date, or the objections so received are, in view of the Sub-Divisional Canal Officer, insufficient or invalid, he may approve the said schedule.

(4) On an application from an irrigator stating that a dispute has arisen as to his turn under a village irrigation schedule or that the village irrigation schedule is otherwise inequitable, the Sub-Divisional Canal Officer shall:

- (a) cause the application to be conspicuously displayed in all revenue estates in which the irrigation area of the outlet falls as well as outside his office; and

- (b) through a notice invite objections by a day falling no earlier than seven days from the date of such notice as to why it shall not be approved.

(5) Where no objection is received by the fixed date, or the objections so received are, in view of the Sub-Divisional Canal Officer, insufficient or invalid, he may allow the application, wholly or partly, and incorporate necessary changes in the village irrigation schedule accordingly.

**58. Cutting off of permitted canal water supply on irrigator's request or long disuse.**— (1)

On a written application by an irrigator desiring to have a part or whole of his permitted canal water supply cut off, the Divisional Canal Officer, in case such supply pertains to irrigation of lands, and in other cases the Secretary, may after affording him an opportunity of being heard cut off such supply.

(2) Whenever, it appears to the Divisional Canal Officer that any land which receives canal water for irrigation has become permanently unfit for agriculture for any reason, or it has been put to any other permanent use which does not require canal water, he may:

- (a) by a written notice, require the owner of the said land to show cause by a fixed date falling no earlier than fifteen days from the date of the notice as to why such supply shall not be cut off; and
- (b) where no objection is received by the fixed date, or the objection so received is insufficient or invalid, cut off such supply.

(3) In the like manner, whenever it appears to the Secretary that canal water permitted for any use other than the irrigation of lands is not being put to that use for a continued period of two years, he may:

- (a) by a notice in writing, ask the person who was permitted to receive canal water for the said purpose to show cause by a fixed date falling no earlier than fifteen days from the date of the notice as to why such supply shall not be cut off; and
- (b) where no objection is received by the fixed date, or the objection so received is insufficient or invalid, cut off such supply.

(4) Canal water supply cut off under this section shall not be restored except on a fresh application and in terms of section 53.

**59. Permitted canal water supply not to be interrupted or reduced except on given grounds.**— (1) The canal water supply permitted to an irrigator shall, in so far as practicable, not be interrupted, reduced or delayed, except whenever and for so long as it is necessary to do so:

- (a) to allow carrying out of repairs and any other work on the canal or water course by such supply is received under the instructions of an authorized Canal Officer;
- (b) to prevent wasteful escape of water from the water course by which such supply is received if it is, in the view of the Sub-Divisional Canal Officer, not maintained in a fit state of repair, or to prevent the water from running to waste for any other reason;
- (c) to supply in rotation the lawful shares of other irrigators;
- (d) to allow transfer of the share of the water course by which such supply is received or, as the case may be, the share of the irrigator from an existing source of obtaining water to another such source;
- (e) to prevent misuse or unauthorized use of canal water; and
- (f) in order to stop or to reduce supplies for the purpose of conservation of canal water.

(2) Whenever canal water is supplied for the irrigation of a land for one or more crops only, or it is supplied for any other permissible use for a specified period, the permission shall be held to continue only until such crop or crops come to maturity, or, as the case may be, the specified period comes to an end.

(3) No claim for compensation shall lie against the Government in respect of any loss caused by the interruption or reduction of canal water, nevertheless any person suffering such loss may claim a reasonable remission of water rate in terms of section 154.

(4) Further, no such remission shall be admitted after expiry of one year from the date of the interruption or reduction of canal water unless the Divisional Canal Officer is satisfied that the claimant had sufficient cause for not making the claim within such period.

**60. Abatement of rent on interruption or reduction of canal water.**— (1) Any tenant holding a land under any unexpired lease at the time of interruption or reduction of canal water for which a remission is allowed under section 154, may claim an abatement of the rent previously payable by him for the said land, on the ground that such interruption or reduction has reduced the value of the holding.

(2) If the supply of canal water is afterwards restored to the said land, the rent of the tenant may be enhanced, in respect of such land due to the restored canal water supply, to an amount not exceeding that at which it stood immediately before the abatement.

**Explanation.**— Any enhancement under subsection (2) shall be on account only of the restored supply, and not affect the liability of the tenant to enhancement of rates on any other ground.

**61. Power to regulate sowing, planting or growing of crops etc. in the interest of conservation and productivity of canal water.**— (1) Where the Government is satisfied that it is expedient to do so in the interest of better irrigation, improved production and conservation of canal water, it may make a declaration as to:

- (a) the kind of crops that could be sown, planted, replanted or grown on the lands constituting the irrigation area of a canal;
- (b) the time or periods during which such crops could be sown, planted, replanted or grown; and
- (c) a limit as to the area of any of such crop beyond which it shall not be sown, planted, replanted or grown.

(2) Every such declaration shall be published in the official gazette and become effective from such date as may be mentioned therein.

(3) Whenever it comes to the knowledge of the Divisional Canal Officer that a person is sowing or has sown, planted, replanted or grown a crop in contravention of any provision of such declaration, he shall:

- (a) by a written notice, require such person to show cause by a day falling no earlier than seven days from the date of the notice as to why canal water being obtained by him shall not be stopped; and
- (b) where no objection is received by the fixed date, or the objection so received is insufficient or invalid, he may stop such supply and report the matter to the Deputy Commissioner.

(4) The Deputy Commissioner may:

- (a) by a written notice, require such person to show cause by a day falling no earlier than seven days from the date of the notice as to why the crop so sown, planted, replanted or grown shall not be removed and a penalty not exceeding five thousand rupees for each acre of the crop so sown, planted, replanted or grown shall not be imposed upon him for such contravention; and
- (b) where no objection is received by the fixed date, or the objection so received is insufficient or invalid, he may remove or destroy such crop or impose the said penalty.

## PART VIII OF DRAINAGE

**62. No discharge to be permitted in a drain without permission.**— (1) No person shall discharge any matter in a drain without having first obtained a written permission from the Divisional Canal Officer.

(2) All permissions under this section shall be subject to:

(a) the provisions of section 31; and

(b) payment of an annual rate by the said person in such sum and at such intervals as may be fixed from time to time under section 138.

(3) Nothing in this section shall apply to any water received in the drain by way of percolation or rain run-off from a land served by it.

**63. Rate on lands benefited by a drain.**— An annual rate from owners or occupiers of all lands benefited from a drain may be charged in such sum and at such intervals as may be fixed from time to time under section 137.

**64. Construction of a field drain by an owner etc.**— (1) Any owner or occupier of land served by a drain or any other person permitted to discharge any matter in that drain under section 62, may, at any time, write to the Divisional Canal Officer to seek his permission for constructing a field drain to connect his land, or as the case may be, discharge the matter to that drain, at his expense.

(2) The Divisional Canal Officer shall forthwith:

(a) cause the application to be conspicuously displayed in the revenue estates through which the proposed field drain is likely to pass as well as outside his office and the office of the respective Sub-Divisional Canal Officer; and

(b) through a notice invite objections by a day falling no earlier than fifteen days from the date of such notice as to why it shall not be approved.

(3) Where no objection is received by the fixed date, or the objections so received are, in view of the Divisional Canal Officer, insufficient or invalid, he may allow the construction of the field drain, wholly or partly.

(4) The provisions of sections 37, 39 and 40 shall apply, in so far as may be, for the purpose of construction of a field drain under this section.

**65. Prohibition on use of land of a field drain for any other purpose and of demolishing, altering or interfering with it.**— (1) No land acquired for a field drain under section 64 shall be used for any other purpose except under a written approval of the Superintending Canal Officer.

(2) No field drain shall be demolished, altered or interfered with except with the written permission of the Superintending Canal Officer.

## PART IX

### SAFETY OF DAMS AND OTHER WORKS

**66. Irrigation works safety evaluation unit.**— (1) The Government shall maintain an adequately resourced unit to undertake, among other things, the following duties:

(a) continued surveillance and inspections of listed dams, lakes, headworks, weirs, embankments and other irrigation works in relation to their safety;

(b) ensuring that necessary measures are promptly taken to prevent or control any concern relating to the safety of listed dams, lakes, headworks, weirs, embankments and other irrigation works that are noticed;

(c) specifying standards, codes and guidelines for this purpose; and

(d) providing assistance and training to the Canal Officers, owners of listed dams, embankments and other irrigation works and their employees, and other interested persons for the purpose of this Part.

(2) The unit shall consist of a head and other officers and staff of such description and in such number as the Government may, from time to time, fix.

(3) The head, officers and staff shall be appointed in such manner and perform such duties and exercise such powers as may be prescribed.

(4) The head of the unit may, for the purpose of subsection (1), make or cause to be made such investigations and gather or cause to be gathered such information and statistics as he considers to be necessary.

**67. Listed dams etc. and their registration with the unit.**— (1) Through a Standing Instruction, the Secretary shall fix the criteria to distinguish the dams, embankments and other irrigation works that require a higher level of surveillance and safety measures to avoid any risk of sudden and extensive public injury, to be respectively called the listed dams, embankments and other irrigation works.

(2) Every Canal Officer in-charge and every owner of a listed dam, embankment and other irrigation work shall have it registered with the unit.

(3) The unit shall maintain a register of all listed dams, embankments and other irrigation works in such detail and in such manner as may be specified under the said Standing Instruction.

**68. Vulnerability and hazard classification.**— The unit shall classify each registered listed dam, embankment and other irrigation work in accordance with vulnerability and hazard classification criteria specified under the relevant Standing Instructions.

**69. Certain certifications by construction engineer required.**— (1) No listed dam, embankment or other irrigation work shall be constructed unless a qualified civil engineer is employed to design it and supervise its construction.

(2) As soon as the said engineer considers that the construction of a listed dam has reached a stage at which it can properly be filled wholly or partly with water, he shall give a certificate specifying the level up to which, and manner and conditions in which it may be so filled safely.

(3) A listed dam shall not be filled with water, otherwise than in accordance with the said certificate.

(4) As soon as the construction of a listed dam, embankment and irrigation work is completed, the said engineer shall submit a certificate to the unit that it has been efficiently executed in accordance with drawings and description annexed to the certificate, and shall annex to the certificate detailed drawings and description giving full information of the works actually constructed, including dimensions and levels and details of the geological strata or deposits encountered in trial holes or excavations made in connection with the works.

**70. Safety surveillance and inspections by Canal Officer in-charge and owner.**— (1) Every Canal Officer in-charge and every owner of a listed dam, embankment and other irrigation work shall:

- (a) install and maintain such number and types of instruments as may be specified by the unit for continued surveillance of the listed dam, embankment or other irrigation work and also to monitor its performance;
- (b) collect, store, analyze and share information from the said instruments at such intervals and in such manner as may be required by the unit;
- (c) make no less than two inspections of the listed dam and embankment each calendar year, one sufficiently before the onset of the monsoon and the second after its recession, in such manner as may be required by the unit;
- (d) make a similar inspection during annual closure of the listed irrigation work, and of the listed dam, embankment and other irrigation work promptly after every flood, seismic or other event likely to impact their safety; and
- (e) make a comprehensive inspection of the listed dam, embankment or other irrigation work promptly after every major modification to its original design,

discovery of any unusual condition and otherwise at such intervals and in such manner as may be required by the unit.

(2) Where as a result of the above, the need for any work to be undertaken or any other thing to be done for continued safety or maintaining required level of performance of the listed dam, embankment or other irrigation work is identified, the Canal Officer in-charge or the owner of that listed dam, embankment or other irrigation work shall promptly undertake that work or do that other thing.

**71. Duty to maintain technical documents and logbooks.**– (1) Every Canal Officer in-charge and every owner of a listed dam, embankment and other irrigation work shall maintain in such detail and in such manner as may be specified under the relevant Standing Instruction:

- (a) technical documents concerning the watershed, hydrology, foundation and structural engineering of the listed dam, embankment and other irrigation work and likely impact of its failure; and
- (b) a log book recording among other things as may be required by the head of the unit, the levels, depth and flow of water through or along such listed dam, embankment or other irrigation work, any leakages from it, or settlement of its walls or other appertaining works, all activities concerning its surveillance, inspection, maintenance and repair, and every important event impacting its safety and performance.

(2) The head of the unit shall:

- (a) cause every such Canal Officer and owner to submit the said record to him at such interval and in such form as he deems it fit; and
- (b) cause the said record to be entered in a log book to be kept by the unit for that listed dam, embankment or other irrigation work.

(3) Where the said record is not submitted in full despite service of two notices after the date of its becoming due with an interval of not less than thirty days, the head of the unit may:

- (a) in case it is not submitted by a Canal Officer in-charge, report the matter to the Secretary; and
- (b) in all other cases, cause it to be prepared and submitted at the expense of the owner and if he does not, when called upon, make full payment, such expenses shall be recovered from him as an arrear of land revenue.

**72. Duty to put in place an emergency action plan.**– (1) Every Canal Officer in-charge and every owner of a listed dam, embankment and other irrigation work shall:

- (a) carry out a comprehensive assessment of the risks associated with the safety of the listed dam, embankment or other irrigation work and the damages likely to occur in the event its failure;
- (b) based on such assessment, prepare a plan to prevent such risks, and apprehend and avert any public injury; and
- (c) update the assessment and plan at such intervals as may be required by the head of the unit.

(2) The said plan shall, among other things as the head of the unit may require, include:

- (a) a mention of the events that are likely to result in the failure of the listed dam, embankment or other irrigation work;
- (b) a succinct description of the areas, persons and properties likely to be affected in such an event;
- (c) inundation maps, warning procedures and measures to be followed for the protection of areas, persons and properties where such failure becomes imminent or actually takes place; and
- (d) the event or point in time when it shall be put into implementation.

(3) Every Canal Officer in-charge and every owner of a listed dam, embankment and other irrigation work shall:

- (a) submit the said plan to the unit; and
- (b) arrange for the parts of the said plan pertaining to the areas referred to in subsection (2) to remain available for inspection by persons residing in the affected area at his office during usual working hours at reasonable notice.

**73. Duty of Canal Officers in-charge and owners of dams etc. towards instructions passed by the unit.**— (1) Every Canal Officer in-charge and every owner of a listed dam, embankment or other irrigation work shall, whenever called upon by the unit to provide any information or report, or to undertake any work or to do any other thing in relation to its safety, shall promptly provide such information or report, or undertake that work and do that other thing.

(2) Every Canal Officer in-charge and owner of a listed dam, embankment and other irrigation work shall maintain sufficient funds for the purpose of this section.

(3) Where upon being instructed under subsection (1), an owner of a listed dam, embankment or other irrigation work fails to undertake any work or do the other thing promptly and in view of the head of the unit, unless that work is undertaken or that thing is done, a sudden and extensive public injury will occur, the unit shall cause that work to be undertaken or that thing to be done at the expense of the owner and if he does not, when called upon, make full payment, such expense shall be recovered from him as an arrear of land revenue.

**74. Abandoned listed dams and other works.**— (1) No Canal Officer in-charge or owner shall abandon a listed dam, embankment or other irrigation work without having first submitted to the unit a certificate from a qualified civil engineer that all measures and works necessary in the interests of safety and to secure that it is incapable of posing any risk of public injury by filling up with water accidentally or naturally or in any other manner have been efficiently undertaken or executed.

(2) Where a listed dam, embankment or other irrigation work is abandoned in violation of the provisions of subsection (1) the unit shall:

- (a) in case it is under the charge of a Canal Officer, report the matter to the Secretary; and
- (b) in all other cases, cause the measures and works necessary for such purpose to be undertaken or executed at the expense of its owner and if he does not, when called upon, make full payment, such expense shall be recovered from him as an arrear of land revenue.

## **PART X**

### **RIVERS, EMBANKMENT WORKS AND FLOOD CONTROL**

**75. River ledgers.**— (1) Every Chief Engineer shall maintain a separate ledger of every river flowing through the Region under his charge in such manner and in such form as may be specified in the relevant Standing Instruction.

(2) Every river ledger shall, among other things, contain:

- (a) a log indicating the volume and physical and chemical characteristics of the water flowing in the river observed at appropriate intervals along the entire length of the river during various periods of a calendar year;
- (b) a succinct description of prevailing river morphology and other conditions that are relevant to the proper and efficient management of the river;
- (c) a detailed account of the existing uses of river water;
- (d) correct location of every dam, headwork, weir, sluice, bridge, embankment, and other irrigation work existing on the river along with a succinct description of its basic specifications, performance history and any vulnerability likely to



result in flooding or to impede proper and efficient management of the river;  
and

(e) a detailed map of the above on an appropriate scale.

(3) Every Chief Engineer shall arrange for the river ledger to be available for public inspection at his office during usual working hours at reasonable notice.

**76. Undue interference with and use of river water prohibited.**— (1) No one shall, without proper permission and authority, obstruct, interfere with or alter the natural flow of a river or obtain, use or otherwise apply the water flowing in a river in any manner.

(2) Any person interested in obtaining a permission for the purpose of subsection (1) shall apply to a Canal Officer duly authorized in this behalf under the relevant Standing Instruction.

**77. Power to remove undue interference with or use of river water.**— (1) Whoever, undertakes or maintains any work, or installs, operates or maintains any machine, appliance, contrivance or apparatus on, or excavates and removes earth, stone or other materials, or draws or extracts water from a river or its active flood plan or otherwise obstructs, interferes with or alters the natural flow of the river, or uses the lake of a dam without having first obtained a permission from the authorized Canal Officer under section 197, shall upon a notice by the Divisional Canal Officer, remove such work, machine, appliance, contrivance or apparatus, or promptly discontinue such excavation or removal, or drawing and abstraction of water or use of the lake and restore the river to its original condition at his cost within such period as may be specified in the notice.

(2) If that person neglects, fails in, or refuses to comply with the above direction within the specified period, the Divisional Canal Officer may cause the work, machine, appliance, contrivance or apparatus to be removed, the excavation or removal, drawing or extraction of water and use of the lake to be discontinued and the river restored to its original condition at his expense and all sums incurred shall be due by him to the Divisional Canal Officer and if he does not, when called upon, make full payment, such expenses shall be recovered from him as an arrear of land revenue.

**78. Power to dredge, deepen or widen etc. a river.**— Where he considers it so expedient in the interest of proper and efficient management of a river, the Divisional Canal Officer may:

(a) dredge, deepen or widen it; and

(b) remove from it, or its bed or banks, and dispose of weeds and other growth, driftwood, logs, trees, branches, sand, stone, gravel or other similar material.

**79. Prohibition on discharge of noxious matter in rivers.**— (1) No person shall discharge any solid or liquid matter in a river which does not meet minimum standards for quality of water fixed for that river at the point of such discharge.

(2) Whoever, undertakes or maintains any work or installs and operates any machine, appliance, contrivance or apparatus in a river or its active flood plan to discharge such solid or liquid matter, shall upon a notice by the Divisional Canal Officer, remove it and restore the river to its original condition at his cost within such period as may be specified in the notice.

(3) If that person neglects, or fails in, or refuses to remove such work, machine, appliance, contrivance or apparatus and restore the river to its original condition, or to otherwise stop such discharge within the specified period, the Divisional Canal Officer may cause it to be removed and the river to be so restored and the discharge to be stopped at his expense and all sums incurred shall be due by him to the Divisional Canal Officer and if he does not, when called upon, make full payment, such expenses shall be recovered from him as an arrear of land revenue.

**80. River improvement plans.**— (1) For every major river in the Punjab, the Secretary shall cause to be prepared a plan for its improvement, in relation to:

- (a) sustainable development of its water resources; and
- (b) reduction of the risks associated with flooding from it and droughts.

(2) In so far as practicable, all works on a river shall be so executed as not to impair the objectives of the respective improvement plan.

**81. Designation of a reach of river etc. as Conservation Zone.**— (1) Where he considers it expedient to do so, the Secretary may propose to the Minister that a particular reach of a river, canal or drain or whole or a part of a lake, dam or headwork may be designated as a Conservation Zone in relation to the preservation and management of:

- (a) its general environment, eco-system, habitat, bio-diversity, natural resources and landscape; and
- (b) its historic, cultural, scenic and recreational value.

(2) If the Minister so agrees, the Secretary shall cause to be published in an issue of a reputable daily newspaper a notice carrying.—

- (a) a succinct description of the reach of the river, canal or drain or the whole or part of the lake, dam or headwork proposed for designation as Conservation Zone;
- (b) the objectives of such proposed designation;
- (c) the proposed boundaries of the related Buffer Zone and the Strict Conservation Zone;
- (d) the name and address of a Canal Officer from whom copies of the proposal may be obtained on payment of a fee fixed by him by a date fixed in the notice; and
- (e) that any objections to the proposal may be made by a day falling no earlier than fifteen days from the date of the notice, and the name and address of the Canal Officer to whom such suggestions and objections may be made.

(3) Any interested person may, by the fixed date, submit his objection, giving facts and reasons he relies upon therefor, on any of the following grounds:

- (a) that such designation is unnecessary or impracticable for any reason; or
- (b) it is likely to be uneconomical.

(4) Where he considers it so expedient, the Secretary may depute a Canal Officer to hear any person making such objection, or to hold a public inquiry on any matter of general importance brought out in an objection.

(5) The Canal Officer deputed for hearing an interested person or, as the case may be, to hold a public inquiry shall submit to the Secretary a succinct report on his findings as to whether the objection is invalid or insufficient or shall, wholly or partly be accepted.

(6) As soon as may be after expiry of the date of submission of objections and, as the case may be, receipt of said report from Canal Officer, the Secretary shall lay the proposal before the Cabinet for approval citing his opinion on objections received in this respect.

(7) Where the Cabinet is satisfied that it is likely to be in the public interest, it may designate the reach of the river, canal or drain or whole or part of the lake, dam or headwork to be a Conservation Zone.

(8) Such designation shall be published in the official gazette, giving:

- (a) a succinct description of the reach of the river, canal or drain or whole or part of the lake, dam or headwork designated as the Conservation Zone;
- (b) the objectives of the Conservation Zone;
- (c) the boundaries of the related Buffer Zone and Strict Conservation Zone.

**82. Management of Conservation Zones.**— (1) Immediately after its publication in the official gazette under section 81 or, as the case may be, on a date specified for giving effect to such designation in the official gazette, the Conservation Zone shall be managed by a Canal Officer so authorized by the Secretary.

(2) For the purpose of such management, the authorized Canal Officer shall give due regards to the better practices related to the objectives of the designation, and in addition to such other things as may be required by him to be done to meet such objectives:

- (a) no person shall exploit any natural resource from any land falling within the Strict Conservation Zone by way of hunting, fishing, felling of trees or removal of vegetation, agriculture, materials or any other similar means;
- (b) no person shall use his land falling within a Buffer Zone in contravention of any restriction and guideline prescribed to meet the objectives of the Conservation Zone; and
- (c) any access road, building and similar other work shall be so undertaken, and any other facility or amenity for population residing in the Conservation Zone shall be so provided, as not to impair its conservation value or management objectives.

(3) Any owner of land or other person who is permanently affected by any restriction imposed to give effect to the provisions of this section, shall be eligible to receive reasonable compensation and may make a claim before the Collector.

(4) Every claim received under this section shall be decided by the Collector in terms of section 4 of the Land Acquisition Act, 1894 (I of 1894) and paid within one year from the day it falls due.

(5) No such claim shall be admitted after expiry of one year from the date of such affect complained of unless the Collector is satisfied that the claimant had sufficient cause for not making the claim within such period.

**83. Execution of public embankment works.**— (1) Whenever it appears to the Chief Engineer that:

- (a) a new public embankment shall be executed;
- (b) the line of an existing public embankment shall be altered or lengthened;
- (c) a sluice may be made through a public embankment;
- (d) an embankment which connects a public embankment or is formed by junction with the part of a line of public embankment shall be taken under the charge of the Government; and
- (e) an embankment or obstruction of any kind, which endangers the stability of a public embankment or safety of a town or village, or which is likely to cause loss of property by interfering with the general or flood drainage of any tract of land shall be removed or altered;

he may cause a provisional scheme to be prepared along with a map showing lands likely to be affected and benefited by it, and shall cause a notice specifying that any objections may be made to him by a day falling no earlier than fifteen days from the date of the notice.

(2) Any interested person may, by the fixed date, submit his objection to the Chief Engineer, giving facts and reasons he relies upon therefor, on any of the following grounds:

- (a) that the said scheme is unnecessary or impracticable for any reason; or
- (b) it is likely to be uneconomical.

(3) Where no objection is received by the fixed date, or the objections so received are, in view of the Chief Engineer, insufficient or invalid, he may approve the said scheme with or without any modifications and:

- (a) where so required submit it to the Secretary for arranging sums to carry out the scheme or to permit him to take over an embankment referred to at clause (d) above;
- (b) allow the sluice to be made through a public embankment; or
- (c) require the owner of the embankment or the person causing the obstruction referred to at clause (e) above, to remove or suitably alter it, and if he ignores

or refuses to do so, cause it to be removed or altered at his expense, and all sums incurred shall be due by him to the Chief Engineer and if he does not, when called upon, make full payment, such expenses shall be recovered from him as an arrear of land revenue.

(4) Where it appears to the Divisional Canal Officer that immediate doing or execution of any act or work mentioned in subsection (1) is necessary to prevent or control a sudden and extensive public injury, he may, with the permission of the Chief Engineer, do such act or execute such work immediately and the provisions of this section relating to notice, invitation of objections shall not apply.

**84. Execution of new private embankment works.**— (1) Whenever a person intends to erect an embankment or to extend, widen, alter or remove any existing embankment at his expense, he may make an application to the Chief Engineer indicating through an accompanying map the lands likely to be affected and benefited by it.

(2) Where it appears to the Chief Engineer that the work applied for is, on the face of it, beneficial, he may invite and decide any objections to it in accordance with the provisions of section 83, in so far as may be, and accordingly refuse or accept the application with or without any modification.

**85. Pathways, hedges etc. on embankments to vest in Government.**— (1) Every embankment and every embanked tow-path maintained or restored by the Government, and the entire land, earth, pathways, gates, berms and hedges belonging to or forming part of, or standing on any such embankment shall vest in the Government.

(2) Provisions of subsection (1) shall also apply to a private embankment as long as it is held by the Government on behalf of the persons interested in the lands to be protected or benefited by such embankment.

**86. Roads, water courses and sluices passing over, through or under an embankment.**— (1) No road, canal, drain, water course, sluice or pipe shall be allowed to pass over, through or under a public embankment, except with the written permission of the Divisional Canal Officer.

(2) All canals, drains, water courses, sluices and pipes passing through a public embankment shall be opened, shut and run in such manner as may be ordered by the Divisional Canal Officer, or the officer in the immediate charge of the embankment, under such order.

**87. Structural safety standards for embankments.**— (1) All embankments shall comply with the construction and safety standards fixed by the Secretary under a relevant Standing Instruction.

(2) Such standards shall be fixed in consideration of, among other things, the last reported highest water levels, prevailing topography, geological conditions and river behaviour in the corresponding reach, availability of local construction materials, the dead load, water pressure and other anticipated loads as well as the need for economy of effort.

**88. Alignment etc. of an embankment to be fixed after study.**— Unless, in the view of the Chief Engineer, it shall be immediately executed to prevent or control a sudden and extensive public injury, the alignment, geometry, layout, height and other specifications of an embankment and river training work shall be fixed only after carrying out and giving due consideration to the results of:

- (a) topographical surveys and analysis of local soil and geological conditions; and
- (b) a simulation, by an appropriate mean such as physical or numerical modeling, of the river conditions which are likely to affect its safety and efficient operation, and the impact it is likely to have on the flood plain and prevailing river conditions after its execution.

**89. Maintenance of embankments.**— (1) A Divisional Canal Officer may make any repair in and do all other acts necessary and proper for the maintenance of a public embankment or any private embankment taken charge of under section 83.

(2) The owner of a private embankment may make any repairs in and do all other acts necessary and proper for its maintenance less any cut or alteration made in it under the orders of the Divisional Canal Officer.

**90. Regulations for operation of dams, weirs, sluices etc.**— (1) Every Chief Engineer shall fix regulations for the operation of all dams, headworks, weirs, sluices and embankment falling within the Region under his charge.

- (2) Such regulations shall, among other things, provide for matters relating to:
- (a) the volume of and manner in which water shall be stored, released, passed through, around or besides a dam, headwork, weir, sluice or embankment;
  - (b) their continued surveillance and inspection;
  - (c) machinery, instruments, stores and other materials required for their efficient and safe operation; and
  - (d) the means for making meteorological and hydrological observations for their efficient and safe operations.

(3) Every dam, headwork, weir, sluices and embankment shall be operated in accordance with the regulation fixed for it.

**91. Flood risk management strategy.**— (1) The Secretary shall, propose to the Minister, a draft strategy for the management of flood and river erosion risk in the Punjab.

- (2) Such draft strategy shall, among other things, specify:
- (a) an objective assessment of flood and river erosion risk;
  - (b) objectives for managing flood and river erosion risk;
  - (c) measures for achieving these objectives and when and how these measures are to be applied;
  - (d) cost and benefit of these measures, and how these are to be paid for;
  - (e) authorities responsible for managing flood and river erosion risk and their respective functions and responsibilities; and
  - (f) how and when the strategy is to be reviewed.

(3) For the purpose of developing the draft strategy, the Secretary shall consult all relevant authorities, a good number of persons with relevant experience and knowledge as well as public at large.

(4) The Secretary shall lay the draft strategy before the Cabinet, and where the Cabinet is satisfied that implementation of the draft strategy is in the public interest, approve it with or without any modifications.

**92. Flood protection plans.**— (1) Every year, sufficiently before the onset of monsoon, every Divisional Canal Officer shall:

- (a) carry out an objective assessment of likely sources and probability of riverine flooding in the area under his charge and the risks and damages associated with such an event; and
- (b) based on such assessment, prepare a plan to prevent such risks, and apprehend and avert any public injury.

(2) The said plan shall be consistent with the strategy referred to at section 91 and, among other things, include:

- (a) a mention of any dam, headwork, weir, sluice, or other irrigation work, or reach of an embankment, canal or drain which is weak or otherwise vulnerable and a schedule for its surveillance, strengthening and protection;

- (b) the number and description of officers, other staff and labourers as well as earth moving machines, instruments, stores and other materials which will be required for effectively responding to various levels and types of flood events;
- (c) a description of areas, persons and properties that are likely to be affected at various levels and types of flood events and procedures and measures to be followed for their protection;
- (d) a plan for forecasting flood events and procedures for warning and evacuation of population from affected areas;
- (e) relevant inundation maps at an appropriate scale;
- (f) the role and duties of various authorities in this respect and a system to effect coordination among them for collaborative action; and
- (g) a mention of specific event or point in time when the plan or any measure under it shall be put into implementation.

(3) A similar plan shall be prepared by every Superintending Canal Officer and Chief Engineer in respect of the areas under their charge, and by the Secretary in respect of the Punjab.

**93. Duty towards collaborative effort for flood protection.**— (1) It shall be the duty of every authority entrusted with any function or responsibility under the strategy referred to at section 91 or the flood protection plan to:

- (a) fully and efficiently discharge all such functions and responsibilities and spare all possible resources under its control for this purpose;
- (b) cooperate with every other such authority in the discharge of its functions and responsibilities under the flood protection plan or the strategy; and
- (c) promptly share any relevant information under its control.

(2) All flood protection efforts in a district shall be led and supervised by the Deputy Commissioner of that district and subject to any general instructions of the Secretary:

- (a) every authority mentioned in the flood protection plan shall abide by his orders and instructions in this respect; and
- (b) the Divisional Canal Officer shall generally assist and advise him on the engineering aspects of such effort.

**94. Powers of the Deputy Commissioner to deal with floods.**— (1) In addition to any other power that may be conferred upon him by the Government in this respect, a Deputy Commissioner shall, for the purpose of implementing a flood protection plan and to fight a flood event in general, have the powers to:

- (a) segregate and evacuate any population which is affected or is likely to be affected by flood;
- (b) requisition, for a reasonable duration, any earth-moving machine, motor vehicle, cart, carriage, boat or beast of burden, or any building, land, equipment;
- (c) requisition earth, stone or any other material or store in the required quantities;
- (d) conscript labour;
- (e) remove, demolish or alter any building or other structure;
- (f) direct any person to abstain from a certain act or to take certain order with regard to certain property in his possession or under his control; and
- (g) requisition and use the services of any employee of the Government working within the district under his charge.

(2) Any owner of the earth moving machine, motor vehicle, cart, carriage, boat or beast of burden, building, land, equipment, earth, stone or any other material or store which is requisitioned, or a building or other structure which is demolished or altered, or the person who is conscripted for

labour or directed to abstain from a certain act or to take any order with regards to any property, shall be eligible to reasonable compensation and may make a claim before the Collector.

(3) Any earth-moving machine, motor vehicle, cart, carriage, boat, beast of burden, building, land, equipment, earth, stone, or any other material or store with regards to which an order to be requisitioned has been passed under subsection (1) shall forthwith vest in the Deputy Commissioner, who may deal with it in such manner as he deems proper for the discharge of his duties under this Act.

(4) As soon as may be, after the purpose for which such earth-moving machine, motor vehicle, cart, carriage, boat, beast of burden, building, land, equipment, material or store was requisitioned has been served, or any earth, stone or other material which is left unused, it may, at the request of his owner, be returned to him by the Deputy Commissioner after he refunds the compensation paid to him less the usual depreciation charges.

(5) The Deputy Commissioner may use or cause to be used such force as may, in his opinion, be reasonably necessary for securing compliance with or giving effect to or preventing any contravention of an order passed or for the effective exercise of power exercisable under this section.

(6) Every claim received under this section shall be decided by the Collector in terms of section 4 of the Land Acquisition Act, 1894 (I of 1894) and paid within one year from the day it falls due.

(7) No claim shall be admitted after expiry of one year from the date of such requisition, or demolishing or alteration of the structure, or conscription, or passing of the order unless the Collector is satisfied that the claimant had sufficient cause for not making the claim within such period.

**95. Designation of a section of an embankment to be a fuse plug and its operation.**— (1) Whenever he considers it so expedient, the Secretary may propose to the Chief Minister that a section of any embankment may be declared to be a fuse plug to divert, as safely as possible, excessive water flowing in a river, canal or drain so that:

- (a) the water flowing or likely to flow through the appertaining dam, headwork, bridge or other irrigation work does not exceed its safe discharging capacity; or
- (b) water level against any other section of an embankment does not rise to an extent that it becomes unsafe and thereby pose a risk of extensive damage to life and property or an installation of public importance it is meant to protect.

(2) Where the Chief Minister so agrees, the Secretary may, by a notification published in the official gazette, declare that section of the embankment to be a fuse plug.

(3) A fuse plug shall be operated by the Deputy Commissioner on the advise of the Divisional Canal Officer under the circumstances mentioned in the relevant Standing Instruction.

(4) No claim for compensation or other legal proceedings shall lie against the Government in respect of any loss caused by the operation of a fuse plug.

**96. Flood forecasting and routing analysis.**— (1) The Government shall maintain an adequately resourced unit to undertake, among other things, the following tasks, namely:

- (a) continuously collect, record and analyze relevant information on meteorological conditions, observed patterns of rain fall and melting of glaciers and snow in their watershed, and other related phenomena and develop a forecast of expected flows in various rivers in the Punjab as well as to further enhance any similar forecast received through other authorities and sources;
- (b) identify areas that are likely to be inundated by such flows;
- (c) identify any dam, headwork, weir, bridge, canal, drain, embankment or other irrigation work that is likely to become unsafe or vulnerable in view of the water levels achieved or likely to be achieved under such flows;

- (d) identify areas that are likely to be inundated if the water leaks or escapes from a dam, headwork, weir, canal, drain, embankment or other irrigation work, and the route such water is likely to take before draining off completely; and
- (e) promptly disseminate information on the above aspects as required under a relevant Standing Instruction.

(2) The unit shall consist of a head and other officers and staff of such description and in such number as the Government may, from time to time, fix.

(3) The said head, officers and staff shall be appointed in such manner and perform such duties and exercise such powers as may be prescribed.

## **PART XI OF GROUND WATER**

**97. Ground water zones and their administration.**— (1) Where he considers it expedient to do so, the Secretary may, having regards to the lay of various river basins and sub-basins, irrigation areas of various canals and other relevant factors, divide the ground water in the Punjab into zones in the interest of better management.

(2) For each of the said zone, there shall be an officer in-charge to carry out the provisions of this Act within the limits of the zone.

(3) In his work, the officer in-charge shall be assisted by other officers and staff of such description and in such number as the Government may, from time to time, fix.

(4) The officer in-charge, other officers and staff shall be appointed in such manner and perform such duties and exercise such powers as may be prescribed.

**98. Measurement of ground water.**— (1) The officer in-charge of a zone shall cause to be collected and maintained, at such intervals and in such manner as may be specified in the relevant Standing Instruction, information on:

- (a) the existing levels of water table at various points within such zone; and
- (b) basic physical and chemical characteristics of the ground water

(2) Each calendar year, no later than the last working day of the month of January, every officer in-charge shall submit to the Secretary a report which shall, among other things, contain:

- (a) the information mentioned at subsection (1) pertaining to the last preceding calendar year;
- (b) an estimate of the water recharged into and water abstracted from the said zone during the last preceding calendar year;
- (c) a succinct description of the main sources of such recharge and the various purpose to which abstracted water was applied;
- (d) the general health of the related ground water; and
- (e) an estimate of the ground water which can be abstracted from the zone on a sustainable basis.

(3) Each calendar year, no later than the last working day of the month of March, the Secretary shall cause a similar report on ground water in the Punjab for the preceding calendar year to be prepared and laid before the Minister.

(4) The Secretary shall arrange for every such report to be available for public inspection at his office during usual working hours at reasonable notice.

**99. Duty of owners of wells to allow collection of samples.**— (1) For the purpose of section 98, the owner or person having control over a well shall, whenever so required, allow the officer in-charge of the zone or the officers and staff sub-ordinate to him, to:

- (a) collect, free of any charge, samples of ground water from that well; or
- (b) use, free of any charge, the shaft of the well to install implements to collect information on physical and chemical characteristics of the ground water.



(2) An owner or occupier of a well who is permanently affected by any measure taken to give effect to the provisions of this section, shall be eligible to receive reasonable compensation and may make a claim before the Collector.

(3) Every claim received under this section shall be decided by the Collector in terms of section 4 of the Land Acquisition Act, 1894 (I of 1894) and paid within one year from the day it falls due.

(4) No such claim shall be admitted after expiry of one year from the date of occurrence of the effect of any measure complained of unless the Collector is satisfied that the claimant had sufficient cause for not making the claim within such period.

**100. Ground water improvement plans.**— (1) The Secretary shall propose to the Minister a plan for improvement of ground water in the Punjab in relation to, among other things:

- (a) the conjunctive use of various sources of surface and ground water;
- (b) re-charge of ground water in areas where the water table is falling consistently;
- (c) betterment of physical and chemical characteristics of ground water; and
- (d) sustainable abstraction of ground water.

(2) If the Minister so agrees, the Secretary shall cause to be published in an issue of a reputable daily newspaper a notice mentioning:

- (a) that the plan has been so prepared;
- (b) the name and address of a Canal Officer from whom copies of the plan may be obtained on payment of a fee fixed by him by a date fixed in the notice; and
- (c) that any objections to the plan may be made by a day falling no earlier than fifteen days from the date of the notice, and the name and address of the Canal Officer to whom such suggestions and objections may be made.

(3) Any interested person may, by the fixed date, submit his objection, giving facts and reasons he relies upon therefor, on any of the following grounds:

- (a) that the plan is unnecessary or impracticable for any reason; or
- (b) it is likely to be uneconomical.

(4) Where he considers it so expedient, the Secretary may depute a Canal Officer to hear any person making such objection, or to hold a public inquiry on any matter of general importance brought out in an objection.

(5) The Canal Officer deputed for hearing an interested person or, as the case may be, to hold a public inquiry shall submit to the Secretary a succinct report on his findings as to whether the objection is invalid or insufficient or shall, wholly or partly be accepted.

(6) As soon as may be after expiry of the date of submission of objections and, as the case may be, receipt of said report from Canal Officer, the Secretary may lay the plan before the Cabinet for approval citing his opinion on objections received in this respect.

(7) Where the Cabinet is satisfied that it is likely to be in the public interest, it may approve the plan with or without any modification.

**101. Execution of works to re-charge or otherwise improve ground water.**— (1) An officer in-charge of a zone, or when so directed by the Secretary an authorized Canal Officer, may prepare and execute any work or do all other things necessary to recharge or otherwise improve a ground water source in the zone under this charge.

(2) In so far as practicable, all works shall be so executed and other things so done as not to impair the objectives and any general methodology mentioned in the groundwater improvement plan.

**102. Unsafe discharge into ground water prohibited.**— (1) No person shall discharge or dispose of waste water, sewage, industrial or other effluent, contaminant or any other noxious material into

any well or otherwise in such manner that it may lead to leaching or percolation of any ill affect into the ground water;

(2) Whoever discharges, disposes of or dumps any matter in contravention of any provision of subsection (1), shall upon a notice by the officer in-charge of the zone, refrain from it immediately.

(3) If that person neglects, or fails in, or refuses to refrain from such contravention, the officer in-charge of the zone may cause such discharge, disposing of or dumping to be stopped and removed at his expense and all sums incurred shall be due by him to the officer in-charge and if he does not, when called upon, make full payment, such expenses shall be recovered from him as an arrear of land revenue.

**103. Officer in-charge of a zone and officers subordinate to him to exercise powers of Canal Officers.**— For the purpose of this part, an officer in-charge of a zone and officers sub-ordinate to him may exercise all or any powers of a Canal Officer under section 11 or such other powers of a Canal Officer as may be vested in him by the Secretary.

## PART XII OF NAVIGATION OF RIVERS AND CANALS

**104. Declaration of a river reach or canal to be a navigation line.**— (1) Where he considers it expedient to do so, the Secretary may propose to the Chief Minister that a suitable reach of any river or a canal shall be declared a navigation line and provisions of this Part shall apply to, and be in force, as regards any navigation in such channel.

(2) If the Chief Minister so agrees, the matter of declaration of that reach as navigation line shall be notified in the official gazette and provisions of this Part shall apply immediately thereafter or, as the case may be, after a day appointed for this purpose in that notification.

**105. Appointment of Supervisors.**— The Secretary may appoint a Canal Officer to be the Supervisor to make or open a new line of navigation and, as the case may be, to regulate the entry into and use of an existing navigation line by vessels.

**106. Liability of vessels to pay navigation charges.**— No vessel shall enter into or use a navigation line without having paid a toll fixed in terms of section 144.

**107. Removal and detention etc. of vessels and goods.**— (1) A Supervisor may remove, detain, seize and sell any vessel entering into or using a navigation line or the goods and cargo laden on it, where he considers it expedient to do so:

- (a) to avoid any damage to the works existing on a navigation line or to any other vessel and person using that navigation line;
- (b) to recover any toll due against such vessel, or goods or cargo laden on it;
- (c) to recover any fines imposed upon the owner of such vessel for contravention of any rule relating to the use of navigation line;
- (d) to defray any expense incurred on repair of any damage caused by that vessel to the works existing on the navigation line, other vessels or persons using it; and
- (e) to defray any expenses incurred on such removal, detention, seizure or sale of the vessel.

(2) No vessel or any goods and cargo laden on it which has been removed or detained under subsection (1) shall be seized and sold unless the person owning it neglects or refuses to pay such sum in full despite having been served two written notices with an interval of not less than one month, that the vessel or goods and cargo have been so detained and will be sold to recover such payment.

- (3) For the purpose of this section:
  - (a) all vessels, goods and cargos shall be sold through open auction;
  - (b) a vessel shall not be sold where, in view of the Supervisor, the sums likely to be received by way of sale of its furniture, other contents and removable parts will be sufficient to recover the sums due against the vessel;
  - (c) only such part of seized goods and cargo shall be sold which is likely to, as nearly as possible, fetch sufficient sum to defray the sums due against its owner;
  - (d) any sum received by way of such sale which is left after defraying the sums due, and in the like manner, any left-over goods or cargo and, as the case may be, the vessel, shall be returned to its owner.

(4) Where the Supervisor is in doubt as to whom a detained or seized vessel, good and cargo, or the left-over sum from the sale of such vessel, good or cargo shall be returned, he shall hold it until the right in it is decided by a court of competent jurisdiction.

### PART XIII OF ENGINEERING ACADEMY

**108. Continuation of the Academy.**— (1) The previously established Punjab Engineering Academy shall continue under this Act to impart induction, in-service and other types of training to:

- (a) all officers and staff appointed under this Act who are required to undergo a training at the Academy by the Secretary; and
- (b) the officers and staff of any other department in the Punjab or any other province or territory comprising Pakistan engaged in duties requiring engineering and related skills when so directed by their respective authorities.

(2) Subject to the permissions required under any relevant law, the Academy may impart education in relation to an engineering discipline to interested persons at such terms and subject to payment of such fees as may be decided by the Board of Governors.

(3) The administration of the Academy shall rest with the Principal who shall be assisted by other officers and staff of such description and in such number as the Government may, from time to time, fix.

**109. Board of Governors of the Academy.**— (1) There shall be a Board of Governors to oversee and direct the work of the Academy, which shall consist of the following eleven members, namely:

- (a) the Minister, who shall also be the Chairperson of the Board of Governors;
- (b) the Secretary, who shall also be the Vice-Chairperson of the Board of Governors;
- (c) the Secretary in-charge of the Finance Department;
- (d) the Engineer-in-Chief of the Pakistan Army;
- (e) the Principal, who shall also be the Secretary of the Board of Governors;
- (f) the chairperson, by whatever name called, of a body constituted under any law for regulation of engineering profession in Pakistan;
- (g) the head of a reputable public funded university imparting higher education in any relevant engineering discipline, by whatever name called;
- (h) a leading academician or scientist;
- (i) a prominent person engaged in a relevant engineering profession; and
- (j) a retired Chief Engineer and an officer of any other department in the Punjab tasked with engineering works who has retired in a similar position, having impeccable engineering skills and a repute for integrity and professionalism.

(2) The members mentioned at clauses (g) to (j) above, shall be:

- (a) non-official members of the Board of Governors;

- (b) appointed by the Chief Minister for a term of two years on the recommendation of the Secretary; and
- (c) eligible for re-employment for a second term in the like manner.

(3) After affording him an opportunity to show cause as to why he shall not be so removed, the Chief Minister may remove any non-official member before the expiry of his term of office on the ground of misconduct or inefficiency or both.

(4) The Board of Governors shall be a body corporate with perpetual succession and a common seal, with power to enter into contracts and acquire and hold property, movable and immovable, and shall in its corporate name, sue and be sued.

(5) All properties, funds, assets and liabilities, officers and staff of the Academy on the date of coming into force of this Act shall stand vested in the Board of Governors.

**110. Meetings and procedure of the Board of Governors.**— (1) The Board of Governors shall meet at such time and at such places, and in such manner as it may fix for this purpose.

(2) The quorum for a meeting of the Board of Governors shall be seven members provided that one of such members is the Chairperson or the Vice Chairperson.

(3) All decisions of the Board of Governors shall be made by majority of votes of the members present and voting.

(4) Every member of the Board of Governors shall have one vote, provided that the Chairperson or, as the case may be, the Vice-Chairperson while presiding a meeting of the Board of Governors shall not vote on any matter except for breaking a tie.

**111. General powers of the Board of Governors.**— (1) Subject to any rules on the subject, the Board of Governors shall have powers to oversee and direct the work of the Academy, in particular in respect of the following matters, namely:

- (a) curriculum and methods for imparting training and education at the Academy;
- (b) making arrangements with other reputable domestic and foreign institutions in relation to improvement of training and education at the Academy or imparting part training and education in selected areas at such domestic or foreign institutions;
- (c) fees to be paid by officers and staff and interested persons in relation to training or, as the case may be, education received at the Academy;
- (d) acquisition and disposal of properties and to generally enter into contracts for the purposes of this Act;
- (e) remuneration of its members;
- (f) recruitment of and terms and conditions of the service of the Principal, other officers and staff of the Academy as well as the temporary and visiting teaching staff;
- (g) plans for effecting improvement of training and education at the Academy;
- (h) application of monies of the Board Fund for the purpose of section 113;
- (i) acquisition of loans, with the prior sanction of the Government, for the purpose of this Act;
- (j) setting up of committees required for carrying out the purposes of this Act; and
- (k) framing, subject to approval of the Government, the instructions for the conduct of its business.

(2) The Board of Governors may delegate all or any of its powers to the Chairperson, Vice-Chairperson, Principal or any other officer of the Academy.

**112. The Board Fund and its sources.**— (1) There shall be a fund to be called the Board Fund, for the purpose of this Act.

- (2) There shall be credited to the Board Fund:

- (a) all sums received by way of fee for imparting trainings and education at the Academy;
- (b) any sum transferred to it by the Government for the purpose of this Act, or any gift, grant or contribution by any other person or organization;
- (c) all loans raised by the Board of Governors for the purpose of this Act with the prior permission of the Government;
- (d) all sums received by way of interests and profits accruing from any investment of the money from it; and
- (e) all proceeds from such other sources of income as the Government may, from time to time, direct to be credited to it.

(3) All moneys at the credit of the Board of Governors shall be kept in such custody as may be prescribed under the rules.

(4) The Board Fund shall be administered by a suitably trained and experienced fund manager under the supervision and control of the Board of Governors.

(5) All sums, assets and liabilities, officers and staff of the Research Fund shall vest in the Board of Governors.

**113. Application of the Board Fund.**— The moneys credited to the Board Fund shall not be applied for any purpose other than:

- (a) provision of, or maintenance, repair and renewing of any building, furniture, vehicles, instrument, training aid or other facility to impart training and education at the Academy;
- (b) payment of any sum due to any domestic or foreign institution in relation to the improvements in training or education at the Academy effected through it or part training or education imparted by it;
- (c) retirement of any loan acquired by the Board of Governors for the purpose of this Act;
- (d) investment for profitable purposes;
- (e) payment of salaries and other remunerations to the Principal, officers and staff of the Academy, any temporary teaching staff, members of the Board of Governors, fund manager and other officers and staff of the fund;
- (f) generally in relation to improving the standard of training and education at the Academy or otherwise enhancing the capacities of Canal Officers, other officers and staff appointed under this Act in relation to their duties;
- (g) generally in relation to the functions of the Board of Governors or the Academy under this Act; and
- (h) any other purpose that is allowed by the Government.

**114. Accounts keeping and audit of fund.**— (1) The Board of Governors shall maintain complete, accurate and updated books of accounts of the Board Fund in such form as may be prescribed under the rules.

(2) The accounts of the Board Fund shall be audited by the Auditor General of Pakistan in such manner as may be prescribed under the rules.

(3) Copies of every audit report shall be sent to the Board of Governors and, as soon as may be, by the Board to the Secretary after adding their comments on it.

(4) The Board of Governors shall promptly and fully carry out any instruction of the Secretary for rectification of any objection raised in such audit report.

**115. Superintendence of the Board of Governors.**— (1) The Board of Governors shall remain under general superintendence and control of the Government.

(2) As soon as may be after the close of every financial year but not later than the last day of the month of August next following, the Board of Governors shall submit to the Government a report on the conduct of its affairs for that year.

(3) The Chief Minister, Minister or Secretary may, at any time, require the Board of Governors to promptly furnish to him:

- (a) any return, statement, estimate, statistics or other information or report regarding any matter under their control; or
- (b) a copy of any document in their charge.

(4) The Board of Governors shall carry out every lawful instruction of the Government with regards to its functions under this Act.

**116. Chairperson, non-official members and Principal etc. to be public servants.**— The Chairperson, non-official members of the Board of Governors and the Principal, officers and staff of the Academy, as well as any member of a committee constituted by the Board of Governors under section 111, shall be deemed to be a public servant within the meanings of section 21 of the Pakistan Penal Code 1860 (XLV of 1860).

#### **PART XIV OF IRRIGATION RESEARCH**

**117. Continuation of the Irrigation Research Institute.**—(1) The previously established Irrigation Research Institute shall continue to:

- (a) conduct and disseminate research in surface hydrology, soil mechanics and such other areas as may be assigned to it by the Secretary from time to time;
- (b) design irrigation works;
- (c) test the efficacy and suitability of hydraulic structures and to simulate conditions affecting their safety as well as their impact on related flood plain and prevailing flow conditions;
- (d) test and recommend the use of various materials, techniques and designs for better construction and management of irrigation works;
- (e) regularly analyze and report upon the capacity and performance of irrigation, reclamation, flood control, and rivers and ground water management systems in the Punjab; and
- (f) advise the Secretary, Canal Officers, other officers and related persons on the above matters.

(2) The Institute may establish and maintain such laboratories and other facilities as may be required for the said purposes.

(3) The Institute shall be headed by a Chief Engineer who shall be assisted by other officers and staff of such description and in such number as the Government may, from time to time, fix.

(4) The said Chief Engineer, officers and staff shall be appointed in such manner and perform such duties and exercise such powers as may be prescribed.

**118. The Irrigation Research Fund and its sources.**— (1) There shall be a fund to be called the Irrigation Research Fund for the purposes of this Act.

(2) There shall be credited to the said fund:

- (a) any sum transferred by the Government to it for the purpose of this Act, or any gift, grant or contribution by any other person or organization;
- (b) all sums received by way of fee for services rendered by the Institute;
- (c) all sums received by way of interests or profits accruing from any investment of the fund money; and

(d) all sums received from such other sources of income as the Government may, from time to time, direct to be credited to this fund.

(3) All moneys credited to the said fund shall be kept in such custody as may be prescribed under the rules.

(4) The said fund shall be administered by a suitably trained and experienced fund manager under the supervision and control of the Research Board.

**119. Board for administration of Irrigation Research Fund.**— (1) There shall be a board to administer Irrigation Research Fund for the purposes of this Act, which shall consist of the following seven members, namely:

- (a) the Minister, who shall also be the Chairperson of the Research Board;
- (b) the Secretary;
- (c) the Secretary in-charge of the Finance Department;
- (d) the Chief Engineer in-charge of the Institute;
- (e) the chairperson, by whatever name called, of a body constituted under any law for regulation of engineering profession in Pakistan;
- (f) a leading academician in any discipline relating to hydraulic engineering, or any other person with a considerable practice in the said area and a repute for integrity and professionalism; and
- (g) a retired Chief Engineer having impeccable engineering skills and a repute for integrity and professionalism.

(2) The members mentioned at clause (f) and (g) above, shall be:

- (a) non-official members of the Research Board;
- (b) appointed by the Chief Minister for a term of two years on the recommendation of the Secretary; and
- (c) eligible for re-employment for a second term in the like manner.

(3) After affording him an opportunity to show cause as to why he shall not be so removed, the Chief Minister may remove any non-official member before the expiry of his term of office on the ground of misconduct or inefficiency or both.

(4) The Research Board shall be a body corporate with perpetual succession and a common seal, with power to enter into contracts and acquire and hold property, movable and immovable, and shall in its corporate name, sue and be sued.

(5) All sums, assets and liabilities, officers and staff of the Research Fund shall vest in the Research Board.

**120. Meetings and procedure of the Research Board.**— (1) The Research Board shall meet at such time and at such places, and in such manner as it may fix for this purpose.

(2) The quorum for such meetings shall be three members provided that one of such members is the Chairperson.

(3) All decisions of the Research Board shall be made by majority of votes of the members present and voting.

(4) Every member of the Research Board shall have one vote, provided that the Chairperson shall not vote on any matter except for breaking a tie.

**121. General powers of the Research Board.**— (1) Subject to the rules, the Research Board shall have all the powers to oversee and administer the Research Fund, particularly in respect of the following matters, namely:

- (a) acquisition and disposal of property and generally to enter into contracts for the purposes of this Act;
- (b) application of monies of the Research Fund for the purpose of section 122;

- (c) making arrangements for collaborating with and learning from other domestic and foreign institutions engaged in areas mentioned at section 117;
- (d) fixing of fees for various services rendered by the Institute;
- (e) remuneration of its members;
- (f) recruitment and determination of terms and conditions of the service of fund manager, other officers and staff of the fund;
- (g) setting up one or more panels of experts to assist and advise the Canal Officers and other persons on matters referred to at section 117 and to fix remuneration for their services;
- (h) setting up of its committees; and
- (i) framing, subject to approval of the Government, instructions for the conduct of its business.

(2) The Research Board may delegate all or any of its powers to the Chairperson, any other member, fund manager or any other officer of the fund.

**122. Application of the Board Fund.**— The moneys credited to the Board Fund shall not be applied for any purpose other than:

- (a) provision of, or maintenance, repair and renewing of any building, furniture, vehicle, instrument, research aid or other facility in relation to the matters mentioned at section 117;
- (b) payment of sums in relation to any arrangement to collaborate with, or to effect improvement or to learn from any domestic or foreign institution in any matter mentioned at section 117;
- (c) retirement of any loan acquired by the Board of Governors for the purpose of this Act;
- (d) investment for profitable purposes;
- (e) payment of remuneration, and as the case may be, salary to members of the Research Board, experts engaged by the Research Board to assist and advise the Canal Officers and other persons on any matter mentioned at section 117, and the fund manager and other officers and staff of the fund;
- (f) generally in relation to improving the capacities of the Institute, Canal Officers, other officers and staff appointed under this Act in relation to any matter mentioned at section 117;
- (g) generally in relation to the functions of the Research Board or the Institute under this Act; and
- (h) any other purpose that is allowed by the Government.

**123. Accounts keeping and audit of the Research Fund.**— (1) The Research Board shall maintain complete, accurate and updated books of accounts of the Research Fund in such form as may be prescribed.

(2) The said accounts shall be audited by the Auditor General of Pakistan in such manner as may be prescribed.

(3) Copies of every audit report shall be sent to the Research Board and, as soon as may be, by the Research Board to the Secretary after adding their comments on it.

(4) The Research Board shall carry out any instruction of the Secretary for rectification of any objection raised in such audit report.

**124. Superintendence of the Research Board.**— (1) The Research Board shall remain under general superintendence of the Government.

(2) As soon as may be after the close of every financial year but not later than the last day of the month of August next following, the Research Board shall submit to the Government for approval a report on the conduct of its affairs for that year.



(3) The Chief Minister, Minister or Secretary may, at any time, require the Research Board to promptly furnish to him:

(a) any return, statement, estimate, statistics or other information or report regarding any matter under the control of the Research Board; or

(b) a copy of any document in the charge of the Research Board.

(4) The Research Board shall carry out every lawful instruction of the Government with regards to its functions under this Act.

**125. Chairperson and non-official members etc. to be public servants.**— The Chairperson and non-official members of the Research Board, fund manager and officers and staff of the fund, as well as any member of a committee constituted by the Board under section 121, shall be deemed to be a public servant within the meanings of section 21 of the Pakistan Penal Code 1860 (XLV of 1860).

## **PART XV OF CANAL PATROLS**

**126. Constitution of Canal Patrols.**— (1) The Government shall constitute and maintain adequately resourced Canal Patrols to undertake, among other things, the following duties, namely:

(a) to protect dams, head works, weirs, embankments, canal, drains and other irrigation works and properties and hedges and trees growing thereon;

(b) to prevent and investigate offences under this Act;

(c) to generally assist the Canal Officers, other officers and staff in performance of their duties under this Act; and

(d) any other work assigned by the Secretary.

(2) The Canal Patrols shall consist of officers and other staff in such rank and in such number as the Government may, from time to time, fix.

(3) All Canal Patrols in the Punjab shall be headed by a Director.

(4) The Director, officers and staff of the Canal Patrols shall be appointed in such manner and perform such duties and exercise such powers as may be prescribed.

**127. Certificates required to exercise powers.**— (1) On his appointment, every Patrol Officer shall receive a certificate issued under the seal of the Director, by virtue of which he shall be vested with the powers of under this Act.

(2) Before exercising any power under this Act in relation to entry, arrest or use of force against any person, every Patrol Officer, and in case two or more Patrol Officers are exercising such power collectively, the senior most Patrol Officer among them, shall show the said certificate to that person, and also loudly read out to him his name, rank, service number and reasons for the exercise of such power in brief.

(3) The said certificate shall cease to have effect whenever the person named in it ceases to be, for any reason, a part of the Canal Patrols, and on his suspension or ceasing to be such part, he shall forthwith surrender it to the officer to whom he was subordinate to.

**128. Superintendence and administration of Canal Patrols.**— (1) All officers and staff of the Canal Patrols shall be subject to the superintendence and general control of the Secretary.

(2) Subject to the provisions of subsection (1), the administration of the Canal Patrols shall rest with the Director.

**129. Power to arrest without warrant.**— A Patrol Officer of a rank generally authorized by the Director for this purpose, may, without an order of the Magistrate or without a warrant, arrest:

(a) any person who has, in his view, been concerned in an offence under this Act punishable with imprisonment for a term exceeding six months, or against whom a reasonable suspicion exists of his having been so concerned; or

- (b) any person found taking precautions to conceal his presence within reasonable limits of a dam, lake, headwork, embankment, canal, drain or other irrigation work under circumstances which afford reason to believe that he is taking such precautions with a view to damage it, or obstruct or otherwise interfere with its efficient working, or any of its appertaining works or structures, or to tear, uproot, cut down or otherwise injure or remove, without proper permission or authority, any machine, appliance, contrivance or other apparatus fixed by the authority of a Canal Officer or bushes, hedges and trees growing thereon.

**130. Power to stop and search without warrant.**— Whenever any Patrol Officer of a rank and description generally authorized by the Director for this purpose, has reason to believe that any offence punishable with imprisonment for a term exceeding six months has been or is being committed and that a search warrant cannot be obtained without affording the offender an opportunity of escaping or of concealing evidence relating to that offence, he may stop, detain and search his person and belongings forthwith, and if he thinks it so proper, arrest any person whom he has reason to believe to have committed the offence.

**131. Procedure to be followed after arrest.**— Any Patrol Officer making an arrest under this Act shall, without unnecessary delay, make over the person so arrested:

- (a) to a police officer to be detained at a police station; or
- (b) to another Patrol Officer of a rank and description generally authorized by the Director for this purpose, to detain him at a place designated for such purpose by the Secretary.

**132. Power to register information on offences.**— (1) Where any information on the commission of an offence under this Act is reported to him, the Patrol Officer of a rank and description generally authorized by the Director for this purpose, shall enter the substance of that information in a book to be kept in such form as may be prescribed the Director.

(2) Where such information is received orally, the said Patrol Officer shall have it reduced to writing and read over to the person making it.

(3) All information whether received in writing or reduced to writing under subsection (2) shall be signed or, as the case may be, thumb marked by the person making it.

(4) An information entered in the said book under this section shall be deemed to be an information entered under section 154 of the Code of Criminal Procedure, 1898 (V of 1898).

**133. Investigation of offences.**— Any Patrol Officer of a rank and description generally authorized by the Director for this purpose, may investigate any offence under this Act within the limits of the area placed under his charge.

**134. Provisions of the Code to apply on arrests etc. under this Act.**— The provisions of the Code of Criminal Procedure, 1898 (V of 1898) in relation to arrest of person, search of persons and premises, and investigation of offences shall, in so far as may be, apply to an arrest, search or investigation made under this Act.

**135. Conferment of additional powers of a police officer upon Canal Patrols.**— The Government may confer all or any other powers of a police officer, not being the powers mentioned in this Part, upon any Patrol Officer specifically or to Patrol Officers of a particular rank and description generally.

## **PART XVI OF FINANCIALS AND PROPERTIES**

**136. Rate for the use of canal and percolated water.**— (1) The Government may, through a notification published in the official gazette, fix:

- (a) a rate to be levied on any water supplied, made available or used from a river, canal, drain or other irrigation work to be called the water rate; and
- (b) a rate to be levied on the use of any water becoming available by way of percolation or leakage from a river, canal, drain or other irrigation work by means such as sinking of a well in its reasonable vicinity, to be called the percolation rate.

(2) Different water rate and percolation rate may be levied on the water supplied, made available or used having regards to one or more of the following aspects, namely:

- (a) the usual cost of maintenance and operation of the canal from which the water is used or applied or, as the case may be, the usual cost of maintenance and operation of the canal, drain or other irrigation work from which the water has become available by way of percolation or leakage;
- (b) the purpose for which the water is supplied, made available or used in terms of section 49;
- (c) the crop grown or which may be grown on the land irrigated by the water supplied, made available or used;
- (d) the size or area of the land irrigated by the water supplied, made available or used; and
- (e) the volume of the water supplied, made available or used and its timeliness in view of the purpose for which its supply was allowed.

(3) Any sum due as water rate or percolation rate shall be paid by:

- (a) the person permitted to obtain, receive, use or apply canal, river or percolation water under section 53, 54 or 76; or as the case may be
- (b) the occupier of land, facility, plant, pond or other thing, for the irrigation or other benefit of which such use or application of water was permitted.

(4) Where considered expedient, the Government may require that the provisions of the notification shall have effect retrospectively from any date falling no earlier than the date on which the water has been so supplied, made available or used or the rate has otherwise become leviable under this Act.

**137. Rate on lands benefiting from a reclamation work.**— (1) The Government may, by notification in the official Gazette, fix an annual rate to be levied on all lands benefited from a drain or other reclamation work, to be called the reclamation rate.

(2) Reclamation rate shall be paid by the owner or occupier of land benefiting from the drain or other reclamation work.

**138. Charges for discharging matter into a drain.**— (1) The Government may, through a notification published in the official gazette, fix an annual charge to be levied for the discharge of any matter into a drain, to be called the drainage charge.

(2) Different drainage charges for the discharge of matter in a drain may be levied having regards to one or more of the following aspects, namely:

- (a) usual cost of maintenance and operation of the drain;
- (b) the volume of the matter discharged; and
- (c) the nature and quality of the matter discharged with higher rates charged in respect of the matter which is likely to cause a higher adverse impact on the quality of the water present in the drain at the point of its discharge.

(3) The drainage charge shall be paid by the person obtaining permission for such discharge under section 62.

**139. Assessment of annual rates and charges.**— (1) Each year, by the first working day of the month of April and October or by such other day as may be fixed by the Secretary, every Canal Collector authorized in this behalf by him, shall prepare an assessment of the water rate, percolation rate, reclamation rate and drainage charge to be levied in respect of the water supplied, made available or used from all canals, and lands benefitted from and matter discharged into all the drains in the Canal Division under his charge during the last preceding crop season.

(2) The said Canal Collector shall arrange for the copy of the assessment to be available for inspection at his office during usual office hours and also have it sent to all the Lambardars in the Canal Division for information of owners and occupiers of land in the respective revenue estate, and to be conspicuously displayed at:

- (a) a prominent place in the revenue estate to which it pertains to;
- (b) in the office of the Divisional Canal Officer as well as the Sub-Divisional Canal Officer in-charge of the general area to which it pertains; and
- (c) the office of the Collector.

(3) Any person who considers that he is not liable to pay any rate or charge under this Act but has been assessed as such, or that the rate or the charge has been assessed incorrectly, he may, within fifteen days of the receipt of the assessment by the Lambardar or its display in the above manner, make a representation to the Divisional Canal Officer.

(4) Every such representation shall be decided in not more than fifteen days of its receipt.

(5) By the first working day of the month of May and November, or by such other day as may be fixed by the Secretary, the Divisional Canal Officer shall serve a notice for payment of the assessed or, as the case may be, corrected water rate, percolation rate, reclamation rate and drainage charge by a date fixed in that notice upon the persons liable for its payment for the last preceding crop season.

**140. Special charges to apply on unauthorized use of water and unauthorized discharge in drains.**— (1) Whenever it appears to the Sub-Divisional Canal Officer that:

- (a) water running in a river, canal or a water course, or any water obtained from percolation or leakage from a river, canal, drain or other irrigation work is being used or applied without obtaining a permission under section 53, 54 or 197; or
- (b) any matter is being discharged in a drain without obtaining a permission under section 62 he may, after holding a summary inquiry, identify the person by whose act or neglect such use, application or discharge has occurred, and through a written order, require him to pay a sum not exceeding ten times the sum due for such use, application or discharge as water rate, percolation rate or, as the case may be, drainage charge, to be called the special charge, by a date fixed in that order.

(2) Where even after reasonable effort, such person cannot be identified in the said inquiry, the Sub-Divisional Canal Officer shall require the person or all the persons on whose land the water has flowed into or who have otherwise benefitted from such water, to pay the special charge or, as the case may be, pay the special charge jointly.

**141. Wastage charges for suffering the water to run to waste.**— (1) Whenever it appears to the Sub-Divisional Canal Officer that water supplied through a canal or water course is suffered to run to waste, he may, after holding a summary inquiry, identify the person by whose act or neglect such water is suffered to run to waste, and through a written order, require him to pay a sum not exceeding three times the sum due for that water as water rate, to be called the wastage charge, by a date fixed in that order.

(2) Where even after reasonable effort, such person cannot be identified in the said inquiry, the Sub-Divisional Canal Officer shall require the person or all the persons chargeable in

respect of the water suffered to run to waste, to pay the wastage charge or, as the case may be, pay the wastage charge jointly.

**142. Contributions for betterment of irrigation works.**— (1) The Government may, through a notification published in the official gazette, fix a charge on all owners of lands benefitted from the construction, expansion, improvement or alteration of any embankment, canal, drain or other irrigation work, in accordance with the size of their holdings, to recover all or any part of the expenses incurred by it on such construction, expansion, improvement or alteration, which shall be called the betterment contribution.

(2) Nothing in this section shall preclude fixing of different per acre rates at which betterment contribution shall be charged from owners of lands benefitted by the same work in view of:

- (a) the distinct nature of a benefitted land;
- (b) the size of benefitted land held by an owner, with advantage given to owners with smaller holdings; and
- (c) the extent of benefits derived by a land from the work as compared to other lands of similar nature.

(3) No betterment contribution shall be charged against a land:

- (a) no earlier than one year from the date that land is benefitted; or
- (b) which is unculturable.

(4) The betterment contribution shall be payable in instalments at such intervals as may be fixed in the said notification.

(5) Any owner who pays the betterment contribution in full within a period of two years of it becoming due, shall receive such rebate as may be fixed in the said notification.

**Explanation 1:** A land shall be deemed to be benefitted notwithstanding that the benefit is not enjoyed, provided such non-enjoyment is due solely to the action or inaction on the part of the person or persons interested in such land.

**Explanation 2:** A land shall not be deemed to be benefitted merely by reason of carrying out usual repairs and maintenance works of an irrigation work wholly or partly at the expense of the Government.

**143. Transfer of certain lands benefiting from an irrigation work to be subject to payment of windfall charge.**— (1) The Government may, through a notification published in the official gazette, fix a charge in an amount not exceeding two per centum of the consideration which shall be paid on transfer by sale, mortgage or gift of any land which is benefitted or is likely to benefit from the construction, expansion, improvement or alteration of any embankment, canal, drain or other irrigation work, to be called the windfall charge.

(2) No windfall charge shall be levied where:

- (a) the average value of befitted land in a revenue estate has risen by less than fifteen per centum after the construction, expansion, improvement or alteration of any embankment, canal, drain or other irrigation work; or
- (b) the average value of lands in a revenue estate expected to benefit from a planned construction, expansion, improvement or alteration of an embankment, canal, drain or other irrigation work has risen by not less than ten per centum after the relevant plans having become public.

**144. Toll on lines of navigation and means of crossing rivers etc.**— (1) Every vessel entering or passing along a navigation line shall pay such toll as may be fixed by the Government through a notification published in the official gazette.

(2) In the like manner, the Government may, through a notification published in the official gazette, fix a toll for the use of any mean of crossing over, under or through a river, canal or drain and the use of any road owned or controlled by the department.

**145. Lease of certain properties.**— (1) Any property or land which is owned by or transferred to a Canal Officer or the department, or any state land or other land owned by the Government which is under occupation or control of a Canal Officer or the department for the purpose of this Act on the date of its commencement and is not immediately required for any operational purpose, or becomes available for cultivation or other use for a short period seasonally, may be let out for such period and on such terms and conditions and in such manner as may be approved by the Government.

(2) Where a person neglects or refuses to pay any sum due against him as rent or penalty for any delay in the payment of such rent even after lapse of three months from the date it became due, such sum shall be recovered from him as an arrear of land revenue.

**146. Irrigation betterment fund.**— (1) There shall be a fund to be called the Irrigation Betterment Fund, which shall vest in the Board for the purposes of this Act.

(2) There shall be credited to the said fund:

- (a) all sums received by way of betterment and windfall charges, rents from lease of properties and permits under this Act;
- (b) all sums received by way of tolls, penalties and fines imposed or by way of compounding of offences under this Act;
- (c) such part of sums received by way of water rate, percolation rate, reclamation charges, special charges under this Act as the Government may earmark for credit to this fund;
- (d) any sums transferred by the Government for the purpose of this Act, or any gift, grant or contribution by any other person or organization;
- (e) all sums received by way of interest and profit accruing from any investment of monies of the said fund;
- (f) all loans raised by the Board for the purpose of this Act with the prior permission of the Government; and
- (g) all proceeds from such other sources of income as the Government may, from time to time, direct to be credited to this fund.

(3) All moneys at the credit of the said fund shall be kept in such custody as may be prescribed under the rules.

(4) The said fund shall be administered by a suitably trained and experienced fund manager under the supervision and control of the Board.

**147. Board for administration of irrigation betterment fund.**— (1) There shall be a Board to administer irrigation betterment fund for the purposes of this Act, which shall consist of the following five members, namely:

- (a) the Minister, who shall also be the Chairperson of the Board;
- (b) the Secretary;
- (c) the Secretary in-charge of the Finance Department;
- (d) a leading academician in any discipline relating to finance, economics, banking and investment or any other person with a considerable practice in the said areas and a repute for integrity and professionalism; and
- (e) an accomplished and well-educated farmer with a repute for integrity and an illustrated career in progressive farming practices.

(2) The members mentioned at clause (d) and (e) above, shall be:

- (a) non-official members of the Board;

- (b) appointed by the Chief Minister for a term of two years on the recommendation of the Secretary; and
- (c) eligible for re-employment for a second term in the like manner.

(3) After affording him an opportunity to show cause as to why he shall not be so removed, the Chief Minister may remove any non-official member before the expiry of his term of office on the ground of misconduct or inefficiency or both.

(4) The Board shall be a body corporate with perpetual succession and a common seal, with power to enter into contracts and acquire and hold property, movable and immovable, and shall in its corporate name, sue and be sued.

(5) All properties, funds, assets and liabilities, officers and staff of the fund shall vest in the Board.

**148. Meetings and procedure of the Board.**— (1) The Board shall meet at such time and at such places, and in such manner as it may fix for this purpose.

(2) The quorum for a meeting of the Board shall be three members provided that one of such members is the Chairperson.

(3) All decisions of the Board shall be made by majority of votes of the members present and voting.

(4) Every member of the Board shall have one vote, provided that the Chairperson shall not vote on any matter except for breaking a tie.

**149. General powers of the Board.**— (1) Subject to the rules, the Board shall have powers to oversee and administer irrigation betterment fund, particularly in respect of the following matters:

- (a) acquisition and disposal of property and generally to enter into contracts for the purposes of this Act;
- (b) fixing remuneration of its members;
- (c) recruitment and determination of terms and conditions of the service of fund manager, other officers and staff of the fund;
- (d) to acquire, with the previous sanction of the Government, loans for the purpose of this Act;
- (e) to apply monies from the fund in terms of section 150;
- (f) setting up of committees required for carrying out the purposes of this Act;
- (g) delegation of any of its powers to the Chairperson, fund manager or any other officer of the fund; and
- (h) to frame, subject to approval of the Government, instructions for the conduct of the business of the Board.

(2) The Board may delegate all or any of its powers to the Chairperson, fund manager or any other officer of the fund.

**150. Application of irrigation betterment fund.**— (1) The moneys credited to the irrigation betterment fund shall not be applied for any purpose other than:

- (a) construction, expansion, improvement or alteration of an embankment, canal, drain or other irrigation work;
- (b) carrying out of works in relation to usual maintenance, repair or renewing of an embankment, canal, drain or other irrigation work;
- (c) retirement of a loan acquired and spent by the Board or the Government on the construction, expansion, improvement or alteration of an embankment, canal, drain or other irrigation work;
- (d) investment for profitable purposes; and
- (e) payment of salaries and other remunerations of the members, fund manager and other officers and staff of the fund.

(2) No money credited to the irrigation betterment fund shall be applied for the construction, expansion, improvement or alteration of an embankment, canal, drain or other irrigation work unless:

- (a) five or more owners of the land likely to be benefitted from it make a written application to the Board for the money to be so applied giving an assurance that they along with the majority of owners of land likely to benefit from it are willing to defray to the Board not less than half of the said money; and
- (b) after due public notice in the respective revenue estates, majority of the owners of land likely to be benefitted as such record their willingness to defray to the Board, severally and jointly, half or such higher portion of the money so applied and in such instalments and manner as may be agreed with the Board.

(3) Where a person neglects or refuses to pay any sum due against him under this section even after expiry of three months from the date fixed for its payment, such sum shall be recovered from him as an arrear of land revenue.

**151. Accounts keeping and audit of irrigation betterment fund.**— (1) The Board shall maintain complete, accurate and updated books of accounts in such form as may be prescribed.

(2) The accounts of the Board shall be audited in such manner as may be prescribed.

(3) Copies of every audit report shall be sent to the Board and, as soon as may be, by the Board to the Government after adding their comments on it.

(4) The Board shall carry out any instruction of the Government for rectification of any objection raised in such audit report.

**152. Superintendence of the Board.**— (1) The Board shall remain under general superintendence of the Government.

(2) As soon as may be after the close of every financial year but not later than the last day of the month of August next following, the Board shall submit to the Government for approval a report on the conduct of its affairs for that year.

(3) The Chief Minister, Minister or Secretary may, at any time, require the Board to furnish to him:

- (a) any return, statement, estimate, statistics or other information or report regarding any matter under the control of the Board; or
- (b) a copy of any document in the charge of the Board.

(4) The Board shall carry out every lawful instruction of the Government with regards to its functions under this Act.

**153. Chairperson and non-official members etc. to be public servants.**— The Chairperson and non-official members of the Board, fund manager and officers and staff of the fund, as well as any member of a committee constituted by the Board under section 149, shall be deemed to be a public servant within the meanings of section 21 of the Pakistan Penal Code 1860 (XLV of 1860).

**154. Suspension or remission of sums due in certain cases of hardship.**— (1) An owner or, as the case may be, occupier of a land subject to any rate, charge, contribution, penalty or any other due under this Act may apply to the Divisional Canal Officer to seek suspension of the recovery of such rate, charge, contribution, penalty or other due in whole or part for a certain period of time or to seek its remission in whole or part on any of the following grounds, namely:

- (a) the land owned or occupied by him has not borne a crop, or a crop grown on it has been lost, wholly or partly, due to interruption or reduction in the water supplied to him from a canal for any reason other than the reasons mentioned



at section 59, or due to a heavy rain, hailstorm, flood, drought, pest attack or any other act of nature, or any other event which is not attributable to him;

- (b) the land owned or occupied by him has been eroded by a river or has become unculturable for any other reason.

(2) In the like manner, a person who has been allowed to use or apply water from a canal for any purpose other than the irrigation of land, or raising of orchards, trees and forest or other similar purpose, may apply to the Divisional Canal Officer to seek suspension or remission of the whole or a part of any rate, charge, contribution, penalty or other due payable by him on account of supply or application of such water under this Act, if the water supplied to him was interrupted or reduced for any reason other than those mentioned at section 59.

(3) Where, after holding an inquiry into the matters set out in the application, it appears reasonable to the Divisional Canal Officer, he may recommend, that recovery of a part or whole of such rate, charge, contribution, penalty or other due may be suspended for a certain period of time or remitted, and in case the land has become unculturable permanently, the land may be removed from the inventory of lands chargeable with such rate, charge, contribution, penalty or other due.

(4) Where the owner or occupier of land or other irrigator is aggrieved by the said decision of the Divisional Canal Officer, he may, within the next thirty days, make a representation before the Collector.

(5) The said recommendation of the Divisional Canal Officer and, as the case may be, of the Collector shall be submitted to the Secretary and:

- (a) where the sums to be suspended or remitted are within such limits as are fixed under the relevant rules, he may, if he considers it so expedient, suspend or remit such sums; and
- (b) in other cases, submit the recommendation for approval of the Government and direct that such sums shall not be collected till such decision.

**155. Penalty for late payments.**— Any rate, charge, fee, contribution, toll, rent, penalty or other sum which is not paid at the expiry of three months after its having become due, shall stand increased by three per centum and increased further at the rate of three per centum annually, or such other higher rate as the Government may, from time to time, fix through a notification published in the official gazette.

**156. Payment of rates etc. and recovery of outstanding sums.**— (1) Any sum due against a person as rate, charge, fee, contribution, toll, rent, penalty or other charge under this Act, may be paid by him, either:

- (a) directly in the manner specified by the Government;
- (b) through an officer authorized by the Secretary to receive such rate, charge, fee, contribution, toll, rent, penalty or other charge;
- (c) through a contractor engaged in terms of section 157; or
- (d) through the Lambardar or any other person engaged by the Collector to collect land revenue or any other rate in the respective estate.

(2) An additional fee at such rate as may be fixed by the Government through a notification published in the official gazette, called the collection charges, shall be paid to the such contractor, Lambardar or, as the case may be, the person engaged by the Collector to collect land revenue or any other rate in the respective estate, by the person opting to pay through them.

(3) Where a person neglects or refuses to pay any sum due against him as a rate, charge, contribution or penalty in full by the date fixed for its payment such sum shall be recovered from him as an arrear of land revenue.

(4) Without any prejudice to the provisions of subsection (3), where the sum due relates to water rate or special charge, the Divisional Canal Officer may as well, through a notice require the person to show cause on a day falling no earlier than fifteen days from the date of the notice as to

why his turn for obtaining canal water shall not be removed from the village irrigation schedule or permission given to him for the obtain canal water under section 53 shall not be withdrawn, and if no objection is received by such day, or the objections received are invalid or insufficient, the Divisional Canal Officer may remove his turn or withdraw the permission and his turn shall not be included in the village irrigation schedule or the permission to use canal water shall not be restored as long as he does not pay the sum due in full.

**157. Power to contract out collection of rates etc.**– (1) Subject to the provision of any Standing Instruction, a Divisional Canal Officer may contract any person for collection and payment to the Government or the respective fund, any rate, charge, toll, fee, contribution or penalty under this Act.

(2) When such contract has been made, the contractor may recover such rate, charge, toll, contribution or penalty due against any person under this Act, and wherever so required by a suit as though it were a debt due to him, or an arrear of rent due to him on account of the land, work, building vehicle, carriage, cart or vessel in respect of which such sum is payable, or for or in which the canal water shall have been supplied or used.

(3) Where such contractor neglects or refuses to pay to the Government or the fund in full any sum collected by him under this section after expiry of three months from the date fixed for such payment, such sum shall be recovered from him as an arrear of land revenue.

## **PART XVII OF TRANSPARENCY AND FAIR PLAY**

**158. General rules of conduct of Canal Officers etc.**– (1) Every Canal Officer, Patrol Officer, other officer and staff as well as any other person appointed or assigned any duty or vested with any power under this Act, shall while performing such duty or exercising such power:

- (a) act honestly and in a fair and transparent manner;
- (b) take due care and diligence; and
- (c) not put his office or information acquired by him because of his being in such office to any improper use or to gain or attempt to gain, directly or indirectly, an advantage for himself or for any other person; or cause or attempt to cause, any detriment to the Government.

(2) Any officer, staff or other person who knowingly acts in contravention of the above provisions shall be guilty of misconduct within the meanings of section 2 of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 (XII of 2006).

**159. Conflict of interest and related duties.**– (1) Every Canal Officer, Patrol Officer, other officer and staff, as well as any other person appointed or assigned any duty or vested with any power under this Act shall be deemed to have a conflict of interest in respect of a contract, proposed contract or any other matter to be discussed or decided by him, if:

- (a) in relation to that contract, proposed contract or any other matter, he himself or any of his immediate relatives, would receive or have a reasonable expectation of receiving, or suffer or have a reasonable expectation of suffering, a direct or indirect pecuniary or some other benefit, share or interest or, as the case may be, loss or other detriment;
- (b) he has professionally acted in relation to that contract, proposed contract or any other matter on behalf of any person having therein such share or interest as aforesaid; or
- (c) he is of the opinion or could be reasonably perceived to have such opinion that the nature of his interest in the contract, proposed contract or other matter is such that it may conflict with the proper performance of his duties in respect of that contract, proposed contract or other matter.

(2) Every officer, staff and other person appointed or assigned any duty or vested with any power under this Act shall not consider or decide any contract, proposed contract or other matter in respect of which he has a conflict of interest as aforesaid or participate in any such consideration or decision, and must immediately disclose the nature of such conflict of interest to the officer to whom he is subordinate to.

(3) Any officer, staff or other person who knowingly acts in contravention of the above provisions shall be guilty of misconduct within the meanings of section 2 of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 (XII of 2006).

**160. Register of interests.**— (1) The Secretary shall cause to be maintained a register of interests in such form and manner as may be prescribed.

(2) It shall be duty of every Canal Officer, Patrol Officer, other officer and staff and any other person appointed or assigned any duty or vested with any power under this Act who has a conflict of interest within the meanings of section 159 to submit returns on his interests for making entries in the said register at such intervals and in such form and manner as may be prescribed.

(3) The Secretary shall arrange for the register of interests to be available for inspection at his office during usual office hours at reasonable notice.

**161. Code of Conduct for officers and other persons.**— (1) The Government shall prescribe a Code of Conduct for Canal Officers, Patrol Officers, other officers and staff as well as all other persons appointed or assigned any duty or vested with any power under this Act.

(2) Every Canal Officer, Patrol Officer and other officer as well as every other person appointed or assigned any duty or vested with any power under this Act shall arrange for a copy of such Code of Conduct to be available for inspection at his office during usual office hours at reasonable notice.

(3) Any officer, staff or other person who knowingly acts in contravention of such Code of Conduct shall be guilty of misconduct within the meanings of section 2 of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 (XII of 2006).

## **PART XVIII OF OFFENCES AND PUNISHMENTS**

**162. Punishment for interfering with or causing minor damage to an irrigation work.**— Whoever without proper permission or authority:

- (a) destroys, defaces or removes any land mark, level mark or water gauge fixed by the authority of a Canal Officer;
- (b) passes, or causes an animal, vehicle, carriage or cart to pass on or across any dam, embankment or banks or channel of a canal or other irrigation work contrary to the provisions of a Standing Instruction after he has been directed to desist therefrom;
- (c) causes or knowingly and willfully permits cattle to graze upon any dam, embankment, canal or other irrigation work, or tethers or causes, or knowingly and willfully permits cattle to be tethered as such, or roots up any grass or other vegetation growing on any such dam, embankment, canal or other irrigation work, or removes, cuts or in any way injures or causes to be removed, cut, or otherwise injured any grass or hedge intended for the protection of such dam, embankment, canal or other irrigation work;
- (d) eases oneself on the banks, or in a dam, headworks or the channel of a canal or river;
- (e) damages, alters or obliterates boundaries of areas in which irrigation from a canal is authorized by a Canal Officer; and
- (f) being responsible for the maintenance of a water course, neglects or refuses to take proper precautions for the prevention of waste of the water thereof,

shall on conviction, be punished for each of such offence with fine which may extend to five thousand rupees or with imprisonment for a term which may extend to thirty days or with

both, and in the case of a continuing offence, with an additional fine which may extend to five hundred rupees for every day during which such offence continues after conviction for the first of such offence.

**163. Punishment for endangering the safety of an irrigation work.**— Whoever without proper permission or authority:

- (a) damages, alters, enlarges or obstructs any canal, drain or other irrigation work;
- (b) alters, obstructs or diverts the flow of a river or excavates the banks of a river;
- (c) obstructs, alters or interferes with, or increases or diminishes the supply of water in or the flow of water from a canal or drain, or by any means raises or lowers the level of the water in a canal, drain or other irrigation work;
- (d) pierces or cuts through or attempts to pierce or cut through, or otherwise to damage, destroy or endanger the stability of an embankment, canal, drain or other irrigation work;
- (e) opens, or attempts to open, any sluice, outlet or orifice in a canal or drain;
- (f) neglects or refuses to remove any such alteration, enlargement, obstruction, interference, danger, sluice, outlet or orifice, or to make good and restore any such piercing, cut or damage when required by a Canal Officer to do so;
- (g) neglects or refuses to remove any obstruction or interference to a river or its active flood plain when required to do so under section 77;
- (h) neglects or refuses to remove or suitably alter or modify a private embankment when required to do so under section 83; and
- (i) up roots, cuts down, or in any other way injures or causes to be removed, any bush or tree, growing on a dam, embankment, canal, drain or other irrigation work,

shall on conviction, be punished for each of such offence with fine which may extend to one hundred thousand rupees or with imprisonment for a term which may extend to three years or with both, and in the case of a continuing offence, with an additional fine which may extend to five thousand rupees for every day during which such offence continues after conviction for the first of such offence.

**164. Punishment for endangering safety of a dam or embankment.**— Whoever without proper permission or authority pierces or cuts through or attempts to pierce or cut through, or otherwise injures, damages, destroys or endangers the stability of:

- (a) any listed dam; or
- (b) any embankment while it is holding water at such level that its escape is likely to inundate a large area,

shall on conviction, be punished with fine which may extend to five hundred thousand rupees or with imprisonment for a term which may extend to seven years or with both.

**165. Punishment for polluting or fouling water.**— Whoever pollutes or fouls the water of any river, canal, drain or source of ground water so as to render it less fit for the purpose for which it is ordinarily used, shall on conviction, be punished with fine which may extend to fifty thousand rupees or with imprisonment for a term which may extend to six months or with both, and in the case of a continuing offence, with an additional fine which may extend to one thousand rupees for every day during which such offence continues after conviction for the first of such offence.

**166. Punishment for unauthorized use, or interfering with any authorized use of water.**— Whoever:

- (a) uses water of a river, canal or drain without having first obtained a permission under this Act, or in contravention of any provision of such permission, or otherwise in an unauthorized manner;

- (b) without proper permission or authority destroys, tampers with, or removes, any sluice, regulator, gate, outlet or other apparatus, or part of such sluice, regulator, gate, outlet or apparatus, used for controlling or regulating the flow of water in any river, canal or drain;
- (c) sells, sub-lets or otherwise transfers canal water to any other person without having obtained a permission under section 56 or in contravention of any provision of such permission;
- (d) without proper permission or authority demolishes, tampers with, or obstructs a water course constructed under an approved village irrigation plan, or a field drain constructed in terms of section 64;
- (e) being responsible for the maintenance of a water course, or a field drain neglects or refuses to take proper precautions for the prevention of waste of water thereof, or prevents or interferes with the lawful use of such water course or field drain by any person authorized to use it or declared to be the joint owner thereof;
- (f) without proper permission or authority obstructs field to field irrigation from any canal; or
- (g) on being required to do so by a Canal Officer authorized in this behalf, fails to close a water course or a field drain constructed without having first obtained a permission under this Act,

shall on conviction, be punished for each of such offence with fine which may extend to fifteen thousand rupees or with imprisonment for a term which may extend to one year or with both, and in the case of a continuing offence, with an additional fine which may extend to one thousand rupees for every day during which such offence continues after conviction for the first of such offence.

**167. Punishment for constructing a private canal or a private drain without prior permission.**— Whoever constructs or runs a private canal or a private drain without having obtained an approval under section 24, shall on conviction, be punished with fine which may extend to five hundred thousand rupees or with imprisonment for a term which may extend to three years or with both, and in the case of a continuing offence, with an additional fine which may extend to ten thousand rupee for every day during which such offence continues after conviction for the first of such offence.

**168. Punishment for failure to provide assistance or to comply with lawful instructions of a Canal Officer.**— Whoever, without reasonable cause or authority:

- (a) neglects or refuses to allow entry upon any land, building, installation or facility or to take into possession and lift and use earth and other materials, or to dig or bore into it, or to set up and maintain land-marks and water gauges, or to inspect, measure or regulate the use of water, or to cut down and clear away any part or whole of a building, fence, standing crop or a tree under section 11;
- (b) neglects or refuses to assist or to continue to assist in the execution of any repair, clearance or work, when lawfully called upon to do so under section 193;
- (c) neglects or refuses to provide reasonable assistance to a Canal Officer in the discharge of his duties whenever called upon to do so under section 196; or
- (d) when instructed by a Canal Officer to abstain from a certain act or other thing, or to do or undertake a certain act or other thing, which he is required to abstain from or to undertake or do under this Act, neglects or refuses to comply with such instruction without reasonable cause,

shall on conviction, be punished for each of such offence with fine which may extend to ten thousand rupees or with imprisonment for a term which may extend to thirty days or with both, and in the case of a continuing offence, with an additional fine which may extend to one

thousand rupees for every day during which such offence continues after conviction for the first of such offence.

**169. Punishment for failure to comply with instruction of the unit to undertake a work for safety of a listed dam or embankment.**— Notwithstanding the provisions of section 166, where upon being instructed by the unit to undertake any work or to do any other thing in relation to the safety of a listed dam or embankment, the owner of the listed dam or embankment neglects or refuses to undertake such work or do other thing, he shall on conviction, be punished with fine which may extend to one hundred thousand rupees or with imprisonment for a term which may extend to two years or with both, and in the case of a continuing offence, with an additional fine which may extend to three thousand rupee for every day during which such offence continues after conviction for the first of such offence.

**170. Punishment for obstructing or threatening a Canal Officer or other officer in the exercise of his powers or performance of his duties.**— (1) Whoever obstructs or hinders any Canal Officer, Canal Patrol or other officer or staff, any workman, servant or other person acting in the lawful exercise of any power vested in him or any duty imposed under this Act, shall on conviction, be punished with fine which may extend to twenty-five thousand rupees or with imprisonment of either description for a term which may extend six months or with both, and in the case of a continuing offence, with an additional fine which may extend to five thousand rupee for every day during which such offence continues after conviction for the first of such offence.

(2) Whoever holds out any threat of injury to any Canal Officer, Canal Patrol or other officer or staff, any workman, servant or other person to induce him to do any act or to forebear or delay to do any act in the lawful exercise of any power vested in him or any duty imposed under this Act, shall on conviction, be punished with fine which may extend to fifty thousand rupees or with imprisonment for a term of either description which may extend to two years or with both, and in the case of a continuing offence, with an additional fine which may extend to ten thousand rupee for every day during which such offence continues after conviction for the first of such offence.

**171. Punishment for violation of any other provision of this Act or rules.**— Whoever voluntarily and without proper authority contravenes or fails to comply with:

- (a) any other provision of this Act in respect of which no punishment has separately been provided under this Part; or
- (b) any provision of the rules made under this Act which requires that a punishment may be incurred for its contravention of failure to comply with it,

shall on conviction, be punished with fine which may extend to three thousand rupees or with imprisonment for a term which may extend to thirty days or with both, and in the case of a continuing offence, with an additional fine which may extend to one five hundred rupees for every day during which such offence continues after conviction for the first of such offence.

**172. Canal Officer or other person employed on canal may take offenders and machines and apparatus into custody.**— (1) Any Canal Officer, other officer or staff appointed under this Act who is in-charge of or employed on an irrigation work, may remove from the lands, buildings or other works belonging thereto, or may take into custody without a warrant, and take forthwith to the nearest Canal Patrol or officer in-charge of police station with a report as to the circumstances of the arrest, any person, who in his view:

- (a) is concerned in an offence under section 163, 164, 165, 166 and 170; or
- (b) is taking precautions to conceal his presence within reasonable limits of such irrigation work under circumstances which afford reason to believe that he is taking such precautions with a view to damage it, or obstruct or otherwise interfere with its efficient working, or any of its appertaining works or

structures, or to tear, uproot, cut down or otherwise injure or remove, without proper permission or authority, any machine, appliance, contrivance or apparatus fixed by the authority of a Canal Officer or any bush, hedge and tree growing thereon.

(2) In the like manner, such officer or staff may seize and remove any machine, appliance, contrivance, or any other apparatus whatsoever concerned in such offence.

(3) Such officer or staff may, if such person forcibly resists or attempts to evade his arrest or the seizure or removal of said machine, appliance, contrivance or apparatus, use reasonable force to effect the arrest or seizure.

(4) The Canal Patrol or, as the case may be, officer in-charge of police station before whom said person is taken to, shall re-arrest him.

**173. Dealing with seized machines etc.**— (1) Every machine, appliance, contrivance, or other apparatus seized under section 172 shall be placed under the custody of the Divisional Canal Officer.

(2) After expiry of thirty days from the date of such seizure, the owner of such machine, appliance, contrivance, or other apparatus may make an written application to the Divisional Canal Officer along with a solemn assurance that it will not be used in relation to any offence under this Act, and the Divisional Canal Officer may:

- (a) if he is satisfied with the assurance, return the said machine, appliance, contrivance, or other apparatus to the owner; and
- (b) if he is not so satisfied or is of the view that it is being persistently used for an offence under this Act, order that such machine, appliance, contrivance, or other apparatus shall be forfeited to the Government.

**174. Punishment for abetting or attempting to commit an offence.**— Whoever abets any offence punishable under this Act, or attempts to commit any such offence, shall be punished with punishment provided in the Act for such offence.

**175. Cognizance of offences, bails and proceedings etc.**— (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (V of 1898) all offences under this Act shall be bailable except those mentioned under sections 163, 164, 165, 166, 167, 169 and 170 which shall be non-bailable.

(2) All offences under this Act except those mentioned under section 163, 164 and 167 shall be tried summarily within the meanings of section 260 of the Code of Criminal Procedure, 1898 (V of 1898).

(3) No court shall take cognizance of an offence under this Act except on a complaint of a Canal Officer or any other officer so authorized by the Secretary.

**176. Compounding of offences.**— (1) After having obtained a permission from the Superintending Canal Officer in this respect, the Divisional Canal Officer may, either before or after the institution of proceedings for any offence punishable under this Act or the rules made thereunder, accept from any person charged with such offence by way of composition thereof a sum not less than three quarters of the maximum fine prescribed for that offence.

(2) On payment of such sum, such person, if in custody, shall be set at liberty and, if any proceedings in any court have been instituted against him in respect of the offence, the composition shall be deemed to amount to an acquittal and no further criminal proceedings shall be taken against him in respect of such offence.

- (3) Nothing in the section shall apply in respect of:
- (a) any offence under sections 164, 167 and 170; and
  - (b) any person who has repeatedly concerned himself with the offence to which the matter of composition relates to.

**177. Compensation to persons injured by an offence and payment of awards to informants.**— (1) Where any person is fined for an offence under this Act, the court which imposes such fine, or which confirms in an appeal or revision a sentence of such fine, or a sentence of which such fine forms a part, may, on the request of the Divisional Canal Officer, direct that any part of such fine may be paid:

- (a) by way of compensation to any person injured by such offence;
- (b) by way of reward to the person who brought the information of that offence to the notice of a Canal Officer.

(2) Before making the said request, the Divisional Canal Officer shall obtain a written approval of the Superintending Canal Officer.

**178. Of offences by bodies corporates.**— (1) Where an offence under this Act is committed by a body corporate, and it is proved that such offence has been committed with the consent or connivance of, or is attributable to any negligence on the part of any director, partner, manager, secretary or other officer of the body corporate, such director, partner, manager, secretary or other officer, shall be deemed to be guilty of such offence along with the body corporate and shall be punished accordingly.

(2) Notwithstanding anything contained in subsection (1), where the said body corporate is a company within the meanings of the Companies Ordinance, 1984 (XLVII of 1984), only the Chief Executive as defined in the said Ordinance shall be liable under this section.

**Explanation.**— For the purpose of this section, a body corporate shall be deemed to include a company registered under the Companies Ordinance, 1984 (XLVII of 1984) and a firm, association of persons and a society registered under the Societies Registration Act, 1860 (XXI of 1860), or under the Co-operative Societies Act, 1925 (VII of 1925).

**179. Saving of prosecution under any other law and recovery of certain sums and charges.**— (1) No provision of this Part shall prevent any person from being prosecuted under any other law for any offence punishable under this Act, provided that no person shall be punished twice for the same offence.

(2) In the like manner, no provision of this Part shall prevent:

- (a) collection of any charge from a person for unauthorized use or waste of water in addition to any penalty incurred by him for such use or waste under this Part; and
- (b) recovery of any sum from a person as cost of removal of any obstruction to drainage under section 27 or of any unauthorized interference or work on a river under section 78; or of restoration or repair of any water course under section 41 or 47; or of preparation of any record by the unit under section 71; or of enforcing any instruction of the unit under section 73; or of taking measures in respect of any abandoned dam or other work under section 74; or of removal of any embankment or obstruction under section 83; or of removal or custody of any work and related expenses under section 197 or 198; or of restoration or making good of any demolished, damaged, obstructed or altered irrigation work under section 199; or any other sum due from him for similar reason under this Act, in addition to any penalty incurred by him for such act, work, demolition, damage, obstruction, interference or alteration under this Part.

## PART XIX OF APPEALS AND REVISIONS

**180. Appeal against certain orders of Canal Officers.**— (1) Unless otherwise provided in this Act:



- (a) an appeal against any decision of the Sub-Divisional Canal Officer under section 41, 57, 140 or 141 shall lie to the Divisional Canal Officer to whom he is sub-ordinate;
- (b) an appeal against any decision of the Divisional Officer under section 35, 39, 42, 43, 45, 53, 54, 58, 62 or 64 shall lie to the Superintending Canal Officer to whom he is sub-ordinate;
- (c) an appeal against any decision of the Superintending Canal Officer under section 46, 56 or 65 shall lie to the Review Board; and
- (d) an appeal against any decision under any other provision of this Act shall lie to such Canal Officer or other officer as may be prescribed under the rules.

(2) Every appeal shall be presented within thirty days of the date of receipt of the decision by the appellant.

**181. Review Board and its constitution.**— (1) There shall be a board to take and decide any revision or appeal made against the decision of a Canal Officer under section 180, to be called the Review Board.

(2) The Review Board shall consist of the following three members, namely:

- (a) an officer who has retired in a rank not less equivalent to that of a member of the Board of Revenue or that of a Commissioner of a Division, with an illustrated career and demonstrable experience in the administration of the Punjab Land Revenue Act, 1967 (Act XVII of 1967) and similar other laws as well as a repute for integrity, fair play and professionalism; and
- (b) two senior Canal Officers who have retired in a rank not less than that of a Superintending Canal Officer with an illustrated career and demonstrable experience in matters relevant to this Act as well as a repute for integrity, fair play and professionalism.

(3) The said members shall be appointed by the Chief Minister for a non-extendable term of three years on the recommendation of the Secretary.

(4) The Review Board shall be headed by a Chairperson who shall be appointed by the Secretary from amongst the members on rotation basis for a term of one year.

(5) During temporary absence of the Chairperson for any reason, the member next due for appointment as Chairperson shall act as the Chairperson.

(6) A member shall receive such remuneration and shall be subject to such terms and conditions as may be fixed under the rules.

(7) After affording him an opportunity to show cause as to why he shall not be so removed, the Chief Minister may remove any member before the expiry of his term of office on the ground of misconduct or inefficiency or both.

**182. Sittings and decisions of the Review Board.**— (1) The Review Board shall sit at Lahore and such other places in the Punjab as the Secretary may direct.

(2) For every sitting of the Review Board, presence of the Chairperson and not less than one member shall be necessary.

(3) A decision of the Review Board shall be expressed in terms of the opinion of the majority, or if a case has been decided by the Chairperson and only one of the members and there is a difference of opinion between them, the decision of the Review Board shall be expressed in terms of the opinion of the Chairperson.

(4) The Review Board shall not, merely by reason of a change in its composition, or the absence of any member from any sitting, be bound to recall and rehear any witness who was given evidence, and may act on the evidence already recorded by, or produced, before it.

(5) No act or proceeding of the Review Board shall be invalid by reason only of the existence of vacancy in it, or defect in its constitution.

**183. Making of revisions and related authority of the Review Board.**— (1) A revision against any decision of a Canal Officer in an appeal under section 180 shall lie to the Review Board.

(2) Every revision shall be presented to the Review Board within sixty days of the date of receipt of the decision.

(3) The Review Board may call for any record pertaining to the decision and where it appears to them that the Canal Officer has, while passing the decision, exercised a jurisdiction not vested in him under this Act, or has failed to exercise a jurisdiction so vested, or has acted in the exercise of his jurisdiction illegally or with material irregularity, they may make such order in the case as they think fit.

**184. Correction of clerical and arithmetical errors.**— A clerical or arithmetical mistake in any decision passed by the Review Board or a Canal Officer under this Act arising from any accidental slip or omission may, at any time, be corrected by him either on own motion or on the application of any interested or affected person.

**185. Examination of record of decisions etc. by Secretary.**— (1) The Secretary may, if he considers it so expedient, call for any decision, order, or proceedings of any Canal Officer under this Act for satisfying himself as to the legality or propriety of such decision or order and as to the regularity of the proceedings of such Canal Officer.

(2) Where it appears to the Secretary that any decision, order or proceedings so called for should be modified, annulled or reversed, he may refer it to the Review Board for decision as deemed fit after hearing every interested or affected person.

## **PART XX MISCELLANEOUS PROVISIONS**

**186. Summoning of witnesses and documents etc.**— (1) Every Canal Officer and the Review Board, for the purpose of any inquiry or other proceedings under this Act, may exercise all or any of the powers connected with summoning and examination of witnesses and the production of documents as are conferred on the civil courts by the Code of Civil Procedure, 1908 (V of 1908).

(2) Every such inquiry or other proceeding before a Canal Officer or the Review Board shall be deemed to be a judicial proceeding within the meaning of section 4 of the Code of Criminal Procedure, 1898 (V of 1898) and provisions of sections 192, 193, 219 and 288 of the Pakistan Penal Code, 1860 (XLV of 1860) shall apply to it.

**187. Notices how served.**— (1) Service of any notice under this Act shall be made by delivering or tendering a copy thereof signed by the officer mentioned therein.

(2) Whenever it may be practicable, the service of the notice shall be made on the person therein named.

(3) When such person cannot be found, service may be made on any adult member of his family who is residing with him.

(4) If no such adult member can be found or the service is refused, the notice may be served by fixing a copy of it on the outer door of the house and at any conspicuous place in the revenue estate or the neighbourhood in which the person ordinarily dwells or carries on business; and

(5) If such person has no ordinary place of residence or business within the district in which the office of the officer issuing the notice is located, a notice may be served upon him by sending a copy of such notice by post in a registered cover addressed to such person at his usual place of residence and shall be presumed to have been served at the time when the letter would be delivered in the ordinary course of post.

(6) If the notice relates to a matter in which persons having interest are so numerous that, in view of the officer issuing the notice, personal service on all of them is not reasonably practicable,

it may be served by delivery of a copy thereof to such of those persons as the officer nominates in this behalf and by proclamation of the contents thereof for the information of other persons interested.

(7) A notice may also be served by communicating its contents through e-mail, short messaging service, voice message or any other suitable electronic means that are for the time being in common use in the Punjab and any evidence that such communication has been received and viewed at the last known e-mail address, telephone number or other electronic identification of the person intended to be served, it shall be presumed to have been duly served upon him.

**188. Service of notice when a person cannot be served in ordinary manner.**— A person who could not be served in the manner laid down in section 187 and whose whereabouts, e-mail address, telephone number or other electronic identification is not known, may be served by publishing a notice in an issue of a reputable daily newspaper.

**189. Exclusion of jurisdiction of civil courts in matters within the jurisdiction of Canal Officers.**— (1) Except as otherwise provided by this Act, no civil court shall have jurisdiction in any matter which the Government, Minister, Secretary, a Canal Officer, Review Board or any other officer or person is empowered by this Act to decide, or to take cognizance of or the manner in which the Government, Minister, Secretary, Canal Officer or any other officer or person exercises any power vested in it or him by or under this Act.

(2) Except as otherwise provided by this Act, no proceeding shall lie before any civil court at the instance of any party to or person interested in a matter which is, or has been, or might or ought to have been a proper subject to be brought before and decided by the Government, Minister, Secretary, a Canal Officer or other person under this Act.

**190. Special procedure for acquisition of lands.**— (1) Whenever any land is urgently required for the carrying out of an irrigation work or for any other purpose under this Act, a Canal Officer, duly empowered by the Secretary in this behalf, may for the purpose of such acquisition:

- (a) cause an inquiry to be made so as to identify and set out the most suitable alignment or placement of the work;
- (b) mark out the land which, in his opinion, will be necessary to occupy for the said work or purpose; and
- (c) publish a notification in every affected revenue estate or in the neighbourhood of the work that so much of such land as is situated within such estate or neighbourhood has been so marked out; and
- (d) send a copy of such notification to the Collector of every district in which such land is situated for publication on such land.

(2) On receipt of such notification, the Collector shall promptly proceed to acquire such land under the provisions of the Land Acquisition Act, 1894 (I of 1894):

- (a) as if a declaration has been issued by the Government under section 6 of that Act; and
- (b) as if the Commissioner had thereupon directed the Collector to take order for the acquisition of such land under section 7 of that Act; and
- (c) as if the Commissioner has issued orders for summary possession being taken under section 17 of that Act.

(3) On being put into possession of the required land, the said Canal Officer shall forthwith proceed with the carrying out of such work or purpose.

**191. Local police and other authorities to assist Canal Officers.**— (1) For the purpose of this Act, any Canal Officer may, when he deems it necessary to do so, seek assistance of a police officer or an officer of any other authority including those authorities engaged in the supply of electricity, fire-fighting and rescue and relief services.

(2) On receiving such request, every such police officer or the officer of the other authority shall provide all reasonable assistance to the Canal Officer for the purpose of this Act.

**192. Certain works of urgent nature may be executed without recourse to ordinary procurement procedures.**— (1) Whenever it appears to a Divisional Canal Officer that unless some work, repair or clearance is immediately executed:

- (a) damage may occur to an irrigation work, as to cause sudden and extensive public injury, loss or interruption of established course of irrigation or drainage;
- (b) water escaping from a dam, headwork, weir, embankment, canal, drain or other irrigation work may not be stopped or diverted as to prevent loss of life, or a sudden and extensive damage to crops, livestock and properties or an area in general; or
- (c) an obstruction or deposition of material in a river, canal, drain or other irrigation work may interrupt the established course of irrigation or drainage in such a manner that it may cause an extensive public injury or loss; and

labourers, equipment, stores and other material for the proper execution of such work, repair or clearance cannot be obtained in the ordinary manner within the time that can be allowed for its execution as to prevent such injury or loss, he may, with the written permission of the Chief Engineer, by an order under his hand direct that the provisions of this section shall apply to such work, repair or clearance, and:

- (a) engage any suitably resourced enlisted contractor to execute such work, repair or clearance immediately;
- (b) himself hire or otherwise engage earth moving machines, motor vehicles, carts, carriages, boats and other equipment or beasts of burden and persons to labour thereat in required numbers, and purchase and use earth, stone, tree, timber, underbrush or any other material or store in such quantity as is reasonably required for such work, repair or clearance.

(2) Unless otherwise directed by the Chief Engineer, only as much of the work, repair or clearance shall be undertaken by a Divisional Canal Officer by invoking the provisions of this section which is reasonably required to avert the likelihood of the aforesaid sudden and extensive public injury or extensive damage to the properties, or to restore the established course of irrigation or drainage in the area.

**193. Requisition of labour for carrying out urgent works.**— (1) Whenever, it appears to the Divisional Canal Officer that labourers for the proper execution of a work, repair or clearance to which provisions of section 192 have been applied cannot be obtained in the manner provided therein within the time that can be allowed for its execution as to prevent injury or loss, he may, by an order under his hand direct that the provisions of this section shall also apply to such work, repair or clearance and thereupon every able-bodied person, who holds land or resides in the general vicinity of such repair, clearance or work, shall if required to do so by such officer or by any person authorized by him in this behalf, labour at such work, repair or clearance.

(2) All persons so labouring shall be eligible to be paid at rates which shall not be less than the usual rates for the time being paid in the neighbourhood for similar labour.

(3) In the case of every such labourer, the payment shall continue for the whole period during which he is, in consequence of the provisions of this section, prevented from following his ordinary occupation.

**194. Power to take into possession and use materials in relation to works of urgent nature.**— (1) Whenever it appears to the Divisional Canal Officer equipment, stores, earth, stones and other material required for the proper execution of a work, repair or clearance to which provisions of

section 192 have been applied cannot be obtained in the required quantities in the ordinary manner or in the manner provided therein within the time that can be allowed for its execution as to prevent injury or loss, he may, by an order under his hand, direct that the provisions of this section shall also apply to such work, repair or clearance, and:

- (a) enter upon any land or building in the general vicinity of such work, repair or clearance, or stop any vehicle, cart, carriage, boat or beast of burden and take into possession the vehicle, cart, carriage, boat or beast of burden or any equipment, store, earth, stone, tree, timber, underbrush or other material stored thereat or laden thereon, and remove and use it for the work, repair or clearing; and
- (b) cut down, remove and use any tree, timber or underbrush growing over it, or excavate, remove and use earth, stones or any other material from any land situated in the general vicinity of such work, repair or clearance.

(2) In every such case, the Divisional Canal Officer shall prepare a complete and accurate inventory of the equipment, stores, trees, timber, underbrush, earth, stone and other materials taken into possession which shall be paid for at a price not less than their usual price in the neighbourhood.

(3) Any person who sustains a damage by any measure taken to give effect to the provisions of this section shall be eligible to receive reasonable compensation and may make a claim before the Collector for this purpose.

(4) Every claim received under this section shall be decided by the Collector in terms of section 4 of the Land Acquisition Act, 1894 (I of 1894) and paid within one year from the day it falls due.

(5) No such claim shall be admitted after the expiry of one year from the date of occurrence of the damage complained of unless the Collector is satisfied that the claimant had sufficient cause for not making the claim within such period.

**195. Payments for urgently executed works to be a sum due.**— (1) All sums due as wage of a labourer, or rent of an earth moving machine, motor vehicle, cart, carriage, boat and other equipment or beast of burden, or as cost of any store, earth, stone, tree, timber, underbrush and other materials used in relation to a work, repair or clearance under section 192, 193 or 194, shall be a sum due on the Government to:

- (a) the listed contractor carrying out such work, repair or clearance;
- (b) the person who has laboured at such work, repair or clearance;
- (c) the person who has provided such motor vehicle, cart, carriage, boat or other equipment or beast of burden, or the store, earth, stone, tree, timber, underbrush and other materials for such work, repair or clearance; or as the case may be; and
- (d) the person from whose custody such store, equipment, earth, stone, tree, timber, underbrush and other material are taken into possession and used for such work, repair or clearance;

(2) Every sum due as such shall be paid within three months of the day it falls due, and an interest at such rate as may be fixed by the Government shall be paid on any sum which remains unpaid after the expiry of such period.

(3) Where no money is available with the Divisional Canal Officer to pay any sum which is due as such, he may, with the permission of the Secretary, write to the Treasury Officer of the district within the limits of which said work, repair or clearance was undertaken stating the circumstance of its urgency, and thereupon the Treasury Officer shall pay such sum.

**196. Duty to assist Canal Officers when called upon to do so.**— (1) Every person when called upon to do so, shall provide all reasonable assistance to a Canal Officer in relation to any of the following matters, namely:

- (a) prevention of any damage to an irrigation work including in relation to the works to which provisions of sections 192, 193 or 194 have been applied;
- (b) prevention of unauthorized use of canal water;
- (c) removal of any obstruction to a river, canal, drain or other irrigation work;
- (d) prevention and repair of any damage to an embankment, canal, drain or other irrigation work; and
- (e) provision of information on and apprehension of persons concerned with an offence under this Act.

(2) Whoever, without any reasonable cause, neglects or refuses to provide any assistance to a Canal Officer when called upon to do so, shall be guilty of an offence under section 168.

**197. Permits required to carry out works on or to use right of way of rivers, canals and drains etc.**— (1) No one shall, without having first obtained a permit from the Canal Officer duly authorized in this behalf under the relevant Standing Instruction:

- (a) construct, reconstruct, remove or maintain any bridge, or lay, re-lay, remove or maintain any pipe, rope way, line of poles or any other mean that enables crossing of persons, goods, vehicles, carts, carriages or other materials and things over, under or through a river, canal or drain or other irrigation work;
- (b) undertake or maintain any work that involves the use of channel, banks, or right of way of any canal, drain or other irrigation work in any manner other than the purpose for which these were originally undertaken or are kept;
- (c) install any appliance, contrivance, or apparatus, or carry out any work, or to do any other thing that causes obstruction of or interference to the flow of the river, lake, canal or drain, or its bed or banks;
- (d) excavate and remove earth, stone or any other material from a river or its active flood plain or the bed of a canal or a drain or otherwise from an irrigation work;
- (e) draw or extract water from a river or its active flood plain;
- (f) use the water of any dam under the charge of a Canal Officer or the surface of its reservoir for any purpose other the purpose for which it is originally held; and
- (g) use the force of running water in a river in any form and for any purpose.

(2) All permits issued under this section shall be subject to the payment of such fee and such other terms and conditions as may be fixed by the Government from time to time.

(3) Where, in view of the said Canal Officer, any such work, appliance, contrivance or apparatus, or excavation or removal, or use of force of running water for any purpose, or drawing of water, or use of water standing in the reservoir of a dam is, in any manner, affecting the efficient operation of the dam, canal, drain or other irrigation work, or their safety, or is likely to bring sever harm to life and adjoining properties in general, or is causing hinderance in the proper management of the river due to change in its hydrology or other conditions, he may direct the person who has obtained the permit to:

- (a) suitably alter or modify the work, appliance, contrivance or apparatus, or the manner of carrying out excavation and removal, drawing or extraction of water, or use of standing water or the force of running water; or
- (b) promptly take other measures as are considered appropriate by the said Canal Officer in the interest of efficient operations and safety of the dam, canal, drain or other irrigation work, or to prevent such harm, or for the proper management of the river.

(4) Where a person, ignores or fails to comply with the above direction, or any term or condition of the permit, the said Canal Officer may by a notice require him to show cause on a day falling no earlier than fifteen days from the date of such notice as to why such permit shall not be cancelled, and if no objection is received by such day, or the objections received are invalid or

insufficient, may cancel the permit and require him to remove the work, appliance, contrivance, apparatus, or discontinue excavation or removal, or drawing or abstraction of water, or the use of the lake or the force of running water, by a specified date.

(5) If that person fails to remove the work, appliance, contrivance or apparatus, or to stop the excavation or removal, drawing or extraction of water, or the use of standing water or the force of running water to the satisfaction of the said Canal Officer by the specified date, he may cause it to be removed or stopped at his expense and all sums incurred shall be a sum due by the person to the said Canal Officer, and if he does not, when called upon, make full payment, such expenses shall be recovered from him as an arrear of land revenue.

(6) Nothing in this section shall apply to a private canal or a private drain.

**198. Custody of works carried out without permit or otherwise abandoned.**— (1) A Canal Officer duly authorized in this behalf under the relevant Standing Instruction may take over the custody of any work, appliance, contrivance, apparatus or any other thing which has been carried out, installed or otherwise used without having first obtained a permit under section 197 or which has otherwise been abandoned by its owner.

(2) Thereafter, the said Canal Officer may, cause to be published in an issue of a reputable daily newspaper a notice specifying that such work, appliance, contrivance, apparatus or other thing has been taken into his custody and is available for sale through public auction on a date specified in that notice.

(3) Where the owner of the work, appliance, contrivance, apparatus or other thing shows interest in its return to him before the date specified for public auction, the said Canal Officer may grant him a permit and make over its custody to him if he agrees to pay the fee fixed under section 197 as well as any fine, and to abide by any other terms and conditions which the Government may fix for this purpose from time to time.

(4) In other cases, the said Canal Officer may grant a permit and make over the custody of the work, appliance, contrivance or apparatus to the person offering highest bid if he agrees to pay such fee and abide by other terms and conditions fixed under section 197.

(5) In addition, all expenses incurred by the said Canal Officer on safe custody of the work, appliance, contrivance, apparatus or other thing and publication of the notice and any other related measures shall be borne by the person to whom custody of the work, appliance, contrivance, apparatus or other thing is made over under subsection (3) or, as the case may be, subsection (4).

**199. Dealing with damages to irrigation works.**— (1) Whenever it comes to the notice of a Divisional Canal Officer that a dam, embankment, bridge, drain, canal, sluice, outlet, or any other irrigation work has been demolished, damaged, obstructed or altered without proper permission or authority, he may, after making such inquiry as he may deem fit, by a notice require the person found responsible for such demolition, damage, obstruction or alteration to immediately restore it to its original condition, at his cost.

(2) If that person fails to restore the dam, embankment, bridge, drain, canal, sluice, outlet or other irrigation work to its original condition, the Divisional Canal Officer may cause it to be so restored on his behalf.

(3) All expenses incurred by the Divisional Canal Officer on such restoration shall be a sum due by that person to the Divisional Canal Officer and if he does not, when called upon, make full payment, such expenses shall be recovered from him as an arrear of land revenue.

**200. Delegation of power and duties.**— (1) The Secretary may, by a notification, direct that all or any of the powers conferred upon him by or under this Act shall be exercised, subject to any restrictions or conditions, also by such officer sub-ordinate to him, as may be specified in the notification.

(2) Subject to the previous approval of the Secretary, any Canal Officer or other officer may, by a notification, direct that all or any of the powers conferred or duties imposed on him by or

under this Act, shall be exercised, subject to any restrictions and conditions, also by such officer subordinate to him, as may be specified in the notification.

(3) The provisions of this section shall not apply to any power vested in or duty imposed upon a Canal Officer in relation to which his decision is appealable in terms of section 180.

**201. Canal Calendar and related duties.**— (1) There shall be a Standing Instruction prescribing a calendar of works and other things which shall be undertaken or done every year as a matter of routine in relation to the maintenance and operations of dams, headworks, weirs, canals, drains and other irrigation works.

(2) It shall be the duty of every Canal Officer, other officers and staff appointed under this Act to diligently adhere to the said calendar.

**202. Power to make rules.**— (1) The Government may, from time to time, by notification in the official gazette, make rules for carrying out all or any of the provisions of this Act and matters connected or ancillary thereto.

(2) In making any rule under this section, the Government may provide that breach thereof shall be punishable with a fine which may extend to fifteen thousand rupees or with imprisonment for a term which may extend to thirty days or with both, and in the case of a continuing offence, with an additional fine which may extend to one thousand rupees for every day during which such offence continues after conviction for the first of such offence.

**203. Power to issue Standing Instructions.**— (1) Whenever he considers it so expedient, the Secretary may issue Standing Instructions on general matters relating to the exercise of powers vested in and discharge of duties imposed upon the Canal Officers, other officers, staff and other persons under this Act or generally in relation to their work under this Act, or for carrying out all or any of the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such Standing Instructions may provide for all or any of the following matters, namely:

- (a) any matter for which a Standing Instruction is required under this Act;
- (b) size, description and manner of sanction and construction of outlets and water courses, allocation of water to different canals in the Punjab, inclusion and exclusion of lands from irrigation area of a canal, and supply of canal water to irrigators;
- (c) the manner and procedure for assessment and collection of rates, charges, tolls, fees, contributions, penalties and other sums imposed or due under this Act and entering into contracts for their collection;
- (d) performance of duties by and trainings and examination of Canal Officers, Patrol Officers, other officers and staff appointed under this Act; and
- (e) carrying out of works and engagement of services for the purpose of this Act.

(3) All Standing Instructions shall be consistent with the Act and the rules made thereunder.

(4) For the ease of reference, the Secretary may cause the relevant Standing Instructions to be compiled in the form of various manuals and published.

**204. Indemnity for acts done in good faith.**— (1) No suit, prosecution or other proceedings shall lie against any Canal Officer, Patrol Officer, any other officer or staff, or any other person in respect of anything which is in good faith done or intended to be done by him in pursuance of this Act or any rules, Standing Instruction or order made thereunder.

(2) No suit or other legal proceedings shall lie against the Government, any Canal Officer, Patrol Officer, other officer or staff, or any other person in respect of any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rules, Standing Instruction, orders or other instructions made, issued or passed under it.



**205. Repeals and savings.**— (1) The Canal and Drainage Act, 1873 (VIII of 1873) and the Punjab Soil Reclamation Act, 1952 (XXI of 1952) are hereby repealed.

(2) Save as otherwise provided in this Act, repeal of the Canal and Drainage Act, 1873 (VIII of 1873) and the Punjab Soil Reclamation Act, 1952 (XXI of 1952) shall not affect:

- (a) any right, privilege, obligation or liability acquired, accrued or incurred under it;
- (b) any penalty, forfeiture or punishment incurred in respect of any offence committed against it; and
- (c) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid, and any such investigation, legal proceedings or remedy may be instituted, continued or enforced and any such penalty, forfeiture and punishment may be imposed as if it has not been so repealed.

(3) Notwithstanding its repeal, anything done or any action taken under the Punjab Canal and Drainage Act, 1873 (VIII of 1873) and the Punjab Soil Reclamation Act, 1952 (XXI of 1952), including:

- (a) every rule, manual, code, notification, order, direction or instruction made, issued, passed or saved under it;
- (b) every legal proceeding or notice initiated, made or saved under it;
- (c) every license, concession, permission or right conferred or saved under it;
- (d) every appointment made or saved under it;
- (e) every tax, fee, rate, toll or other charge or sums of money assessed, imposed, collected or due to the Government under it;
- (f) every irrigation scheme or other work drawn up, contracted, executed or maintained under it;
- (g) every instrument or contract executed under it; and
- (h) allocation of water to various canals, share of irrigators and irrigation areas settled under it.

which so far as is in force at the commencement of this Act and not inconsistent with the provisions of this Act, shall be deemed to have been done or taken under this Act unless previously altered, modified, cancelled, suspended, surrendered, withdrawn or superseded, as the case may be, under this Act.

**206. Act to override other laws.**— The provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being in force.

**207. Removal of difficulties.**— If any difficulty arises in giving effect to the provisions of this Act, the Government may, by an order published in the official gazette, make such provisions or give such directions, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty.

---

<sup>1</sup>This Act was passed by Provincial Assembly of the Punjab on 09 January 2023; assented to by the Governor of the Punjab on 23 January 2023; and was published in the Punjab Gazette (Extraordinary), dated 17 February 2023, Pages: 3897-3955.