

## **Bihar Lift Irrigation Act, 1956**

**16 of 1956**

**[14 September 1955]**

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## **Bihar Lift Irrigation Act, 1956**

**16 of 1956**

**[14 September 1955]**

The Act received the assent of the Governor on the 6th June, 1956, and the assent was first published in the Bihar Gazette, of the 8th August, 1956.] An Act to provide for the construction, improvement, maintenance and control of Lift Irrigation Works in the State of Bihar. Be it enacted by the Legislature of the State of

Bihar in the Seventh Year of the Republic of India as follows: \* This Act has been Repealed by Bihar Irrigation Act, 1997 (Bihar Act, XI of 1998) however, is given here for the sake of ready reference and record.-Ed.] 1. For Statement of Objects and Reasons, see the Bihar Gazette (ex-ord.) of the 14th September, 1954; for Report of the Joint Select Committee, see the Bihar Gazette, (ex ord) of the 2nd September, 1955.

## **PART 1 PRELIMINARY**

### **1. Short Title, Extent And Commencement :-**

- (1) This Act may be called the Bihar Lift Irrigation Act, 1956.
- (2) It extends to the whole of the State of Bihar.
- (3) It shall come into force on such date as the State Government may, by notification, appoint in this behalf.

### **2. Definitions :-**

In this Act, unless there is anything repugnant in the subject or context,-

1[(1) assured irrigable command area means an area declared to be an assured irrigable command area under Section 20;]

(1a) "Collector" means the Collector of a district and includes any officer appointed by the State Government to exercise all or any of the powers of a Collector under this Act;

(2) "Court" means a principal Civil Court of original jurisdiction unless when the State Government has appointed (as it is hereby empowered to do), either specially for any case, or generally within any specified local limits, a judicial officer to perform the functions of the Court under this Act, and then the expression "Court" means the Court of such officer;

(3) "drainage work" means any work in connection with the system of Lift Irrigation which has been or may hereafter be made or improved by the State Government for the purpose of drainage of any area whether under the provisions of Part IV of this Act, or otherwise, and includes escape-channels from a Lift Irrigation Work, dams, weirs, embankments, sluices, groins and other works connected therewith;

(4) "Lift Irrigation" means irrigation by lifting water by means of a pump operated otherwise than by human or animal power;

(5) "Lift Irrigation Work" means all tube-wells and river pumping sets worked by electricity or oil hitherto constructed, maintained or

controlled by the State Government for the lifting, supply or storage of water or which may hereafter be so constructed, maintained or controlled and includes-

(a) all works, embankments, reservoirs, channels, structures, wells and supply or escape-channels connected with a tube-well or river pumping set;

(b) all village channels as defined in clause (9);

(c) any part of a river stream, lake, natural collection of water or natural drainage to which the State Government has applied the provisions of Part II of this Act, or of which the water has been applied or used before the passing of this Act for the purpose of any Lift Irrigation Work;

(d) all lands on the banks of any Lift Irrigation Work as defined in sub clauses (a), (b) and (c) of this clause, which have been acquired by the State Government; and

(e) all mechanical and electrical appliances connected with a tube-well or river pumping set such as, pumps, motors, metres, valves, pipes and strainers;

(6) "Lift Irrigation Officer" means an officer appointed under this Act to exercise control or jurisdiction over a Lift Irrigation Work or any part thereof; and includes every officer to whom any of the functions of a Lift Irrigation Officer under this Act has been assigned by the State Government;

(7) "owner" includes every person having a joint interest in the ownership of the thing specified; and all rights and obligations which attach to an owner under the provisions of this Act shall attach jointly and severally to every person having such joint interest in the ownership;

(8) "prescribed" means prescribed by Rules made under this Act; and

(9) "village channel" means any channel by which water is led from a Lift Irrigation Work directly into the fields to be irrigated and includes all Subsidiary work connected with any such channel, except the measuring and distributing vat through which water is supplied from a Lift Irrigation Work to such channel.

1. inserted. by Act 16 of 1982 and existing clause (1) made (1 a) thereof.

### **3. Power To Appoint Officer :-**

The State Government may, from time to time, declare, by notification in the Official Gazette, the officer by whom and the

local limits within which, all or any of the powers or duties hereinafter conferred or imposed shall be exercised or performed.

## **PART 2 APPLICATION OF WATER FOR PUBLIC PURPOSES**

### **4. Decision Of State Government For Application Of Water Of Any River Or Natural Stream For Public Purposes :-**

(1) When ever it appears expedient to the State Government that the water of any river or stream flowing in a natural channel, or of any lake or other natural collection of still water or sub-soil water, should be applied or used by the Government for the purpose of any existing or projected Lift Irrigation Work, the State Government shall cause to be published in the prescribed manner its intention to declare that the said water will be so applied or used and a notice specifying-

(a) a period which shall not less than thirty days from the date of such publication, during which any person whose interests are likely to be affected by the proposed declaration, may present in writing to the Collector any petition of objection to such declaration; and

(b) a day which shall not be less than fifteen days after the expiration of the period mentioned in clause (a) on which the Collector shall hear any petition of objection received during the period mentioned in clause (a).

(2) Every petition of objection filed under clause (a) sub-section (1) shall be accompanied by the prescribed fee, and any such petition not accompanied by the prescribed fee, shall be summarily rejected.

(3) The Collector shall, on the day appointed for the hearing of objections or on any Subsequent to which the hearing may be adjourned, hear the objections, if any, filed within the period prescribed under clause (b) of sub-section (1) and hold such further inquiry as he thinks fit.

(4) After holding the inquiry referred to in sub-section (3) the Collector shall forward a report on the objections raised with his own recommendations to the State Government.

(5) After considering the report and recommendations of the Collector submitted under sub-section (4), the State Government may, by Notification in the Official Gazette, direct that the said water will be so applied or used after a date to be specified in the notification:

Provided that if any person has been enjoying, by virtue of any prescriptive right, the supply of water from such river, stream, lake

or other natural collection of still water for any agricultural, industrial or domestic purposes, immediately before the date specified in the notification, such person shall, if he does not make any claim for compensation under Section 6, be entitled to such supply on the same terms as before.

#### **5. Powers Of Lift Irrigation Officer :-**

At any time after the date specified in the notification issued under sub-section(5) of Section 4, a Lift Irrigation Officer acting under the orders of the State Government in this behalf may enter on any land and remove any obstructions, and may close any channels and do any other thing necessary for such application or use of the said water.

#### **6. Procedure In Respect Of Claims For Compensation :-**

The provisions of Section 8 to 32 of the Bengal Irrigation Act, 1876 (Ben. Act III of 1876), shall apply mutatis mutandis in respect of claims for compensation made under this Act, and a Lift Irrigation Work and a Lift Irrigation Officer shall be deemed respectively to be a canal and a Canal-Officer within the meaning of that Act.

### **PART 3 MAINTENANCE OF LIFT IRRIGATION WORKS**

#### **7. Entry For Inquiry :-**

Whenever it shall be necessary to make any inquiry or examination in connection with a projected Lift Irrigation Works or with the maintenance of an existing Lift Irrigation Works, any Lift Irrigation Officer or other person acting under the general or special orders of a Lift Irrigation Officer may enter upon such lands as he may think necessary for the purpose, and may exercise all powers and do all things in respect of such lands as he might exercise and do if the State Government had issued a notification under the provisions of Section 4 of the Land Acquisition Act, 1894 (I of 1894), to the effect that land in that locality is likely to be needed for a public purpose; and may set up and maintain water-gauges and do all other things for the prosecution of such inquiry and examination.

#### **8. Power To Inspect And Regulate Water-Supply :-**

Such Lift Irrigation Officer or other person may also enter upon any land, building or village channel on account of which any water-rate

is chargeable for the purpose of inspecting or regulating the use of the water supplied, or of measuring the lands irrigated thereby or chargeable with a water-rate and of doing all things necessary for the proper regulation and management of the Lift Irrigation Work from which water is supplied.

#### **9. Power To Enter For Repairs And To Prevent Accidents :-**

In case of any accident being apprehended or happening to a Lift Irrigation Work, any Lift Irrigation Officer, or any person acting under his general or special orders in this behalf, may enter upon any lands adjacent to such Lift Irrigation Work, and may execute all works which may be necessary for the purpose of preventing such accident, or repairing any damage done.

#### **10. Notice To Occupier Of Building, Etc. :-**

When such Lift Irrigation Officer or person proposes, under the provisions of Section 7, Section 8 or Section 9, to enter into any building or enclosed court or garden attached to a dwelling house not supplied with water flowing from any Lift Irrigation Work he shall previously give to the occupier of such building, court or garden such reasonable notice as the case may allow.

#### **11. Compensation For Damage To Land :-**

In every case of entry upon any land or building under Section 5, Section 7, Section 8 or Section 9, the Lift Irrigation Officer not below the rank of Assistant Engineer shall ascertain and record the nature of any crop, tree, building or other property to which damage has been done, and the extent of the damage done to any such property, and shall tender compensation to the owners or occupiers for all damage done to the same by the entry or by any works executed.

(2) If such tender is not accepted, the Lift Irrigation Officer shall refer the matter to the Collector, who shall thereupon give notice in writing to the persons interested in such land and to the Lift Irrigation Officer, requiring them to attend before him, on a date to be fixed in the notice, for the purpose of making inquiry as to the amount of compensation:

Provided that nothing in this sub-section shall prevent the owner or occupier to whom the tender is not acceptable from making an application to the Collector within the prescribed period and, when

such application is made, the Collector shall follow the procedure laid down in this sub-section.

**12. Appeal From Collectors Decision To Commissioner :-**

(1) After such inquiry as he may think necessary, the Collector shall decide the amount of compensation payable and decision of the Collector, subject to any appeal to the Commissioner of the Division under sub-section (2), shall be final.

(2) An appeal against the decision of the Collector shall lie to the Commissioner of the Division within thirty days of the decision appealed against and the order of the Commissioner on such appeal shall be final. Such appeal may be presented to the Commissioner or to the Collector for transmissions to the Commissioner.

**13. State Government To Provide Means Of Drainage :-**

(1) Suitable bridges, culverts or other works shall be constructed and maintained at the cost of the State Government to prevent the drainage of the adjacent lands being obstructed by any Lift Irrigation Work.

(2) If the drainage of the adjacent lands is obstructed or disturbed on account of the construction of any Lift Irrigation Work, any time not later than a period of eighteen months from the commencement of the supply of water from such Lift Irrigation Work, make an application to that effect to the Collector and the Collector shall, after making such inquiry as may be prescribed, submit a report thereon to the State Government which may cause such measures to be taken at the cost of the State Government as it may think proper.

**PART 4 DRAINAGE**

**14. State Government May Prohibit Formation Of Obstructions Within Certain Limits :-**

(1) Whenever it appears to the State Government that injury to any Lift Irrigation Work, or to any land for which irrigation from a Lift Irrigation Work is available, has arisen or may arise from the obstruction of any river, stream, or natural drainage course, the State Government may, by notification published in the Official Gazette, prohibit, within limits to be defined in such notification, the formation of any obstruction or may, within such limits, order the removal or other modification of such obstruction.



(2) Upon the publication of a notification under sub-section (1) so much of the said river, stream or natural drainage channel as is comprised within such limits shall be held to be drainage work as defined in Section 2:

Provided that if any person has been enjoying, by virtue of any prescriptive right, the supply of water from the river, stream or natural drainage course for any agricultural, industrial or domestic purposes, immediately before the date specified in the notification, such person shall, if he does not make any claim for compensation under Section 17, be entitled to such supply on the same terms as before.

**15. Lift Irrigation Officer May Issue Notice To Person Causing Obstruction :-**

The Lift Irrigation Officer or other person authorised by the State Government in that behalf may, after such publication, issue an order to the person causing or having control over any such obstruction to remove or modify the same within a time to be fixed in the order.

**16. Lift Irrigation Officer May Cause Obstruction To Be Removed :-**

If within the time so fixed, such person does not comply with the order, the Lift Irrigation Officer may cause the obstruction to be removed or modified:

Provided that, if the person causing or having control over any obstruction formed after the publication of the notification under sub-section (1) of Section 14 does not, when called upon, pay the expenses of such removal or modification, such expenses shall be recoverable as a public demand.

**17. Disposal Of Claims To Compensation :-**

Whenever, in pursuance of a notification under Section 14, any obstruction is removed or modified, removal or modification of the said obstruction may be made before the Collector, and he shall deal with the same in the manner provided in Part II; but no compensation shall be allowed for any damage arising from increase of percolation.

**18. Limitation Of Such Claims :-**

No such claim shall be entertained after the expiration of six months from the occurrence of the loss complained of, unless the Collector is satisfied that the claimant had sufficient cause for not making the claim within such period.

## **PART 5 VILLAGE CHANNELS**

### **19. Application Of Section 46 To 73 Of Ben. Act Iii Of 1876** :-

The provisions of Section 46 to 73 of the Bengal Irrigation Act, 1876 (Ben. Act III of 1876), shall apply mutatis mutandis to village channels under this Act as if a village channel and a Lift Irrigation Officer under this Act were respectively a village channel and a Canal Officer, within the meaning of that Act.

## **PART 6 SUPPLY OF WATER**

### **20. Declaration Of Assured Irrigable Command Area Of A Lift Irrigation Work** :-

1[(1)The concerned Collector or officer authorised by the State Government may, for the purposes of this Act, by notification declare any area to be assured irrigable command area which shall comprise of such lands the irrigation of which is assured by direct or indirect flow from a Lift Irrigation Work during such period of the year as may be specified in the notification, which in the opinion of the concerned Collector or officer authorised by the State Government be sufficient for the maturity of the crop during the said period.

(2) A public notice shall be affixed for the recovery of rent in such area in all the offices of the Gram Panchayats, police stations, offices of the Anchal Adhikari and in all Gram Cutcheries of the State Government and the Substance of the notice shall be announced by beat of drum in all the village falling in the notified area and this Substance shall be published in two consecutive number of two newspapers circulating in the area.]

1. inserted. by Act 16 of 1982.

### **21. Filing Of Application For Inclusion In Or Exclusion From Assured Irrigable Cammand Area** :-

1[(1) Any occupier of land may file an application before a Lift Irrigation Officer not below such rank as may be prescribed for

inclusion of land in, or exclusion of land from the assured irrigable command area within ninety days of the publication of the notification referred to in Section 20.

(2) On receipt of such application, the Lift Irrigation Officer shall hear the applicant and pass such orders as he may deem fit.

(3) An appeal against the order of the Lift Irrigation Officer shall lie to the Collector of the district within thirty days of the order passed under sub-section (2) and the order of the Collector thereon shall be final.]

1. inserted. by Act 16 of 1982.

## **22. Order To Be Recorded In Writing :-**

1[If on an application made under Section 21, the Lift Irrigation Officer passes orders for inclusion of any land in, or exclusion of any land from, assured irrigable command area of a Lift Irrigation Work he shall cause his orders to be recorded in writing in such form as may be prescribed.]

1. inserted. by Act 16 of 1982.

## **22A. Persons Entitled To Have Supply Of Water :-**

1[(1) Every occupier of land within an assured irrigable command area of a Lift Irrigation Work shall be entitled to have supply of water from the Lift Irrigation Work for irrigation purposes sufficient for the maturity of the crops grown during the period specified in the notification under Section 20 and every such occupier shall be liable to pay such water charges as may be determined under Section 24 thereof irrespective of the fact whether he uses such water or not.

(2) Till such time as the assured irrigable command area is notified, the water will be supplied for irrigation by the Lift Irrigation Officer and every person to whom water is supplied shall be liable to pay such water charges as may be determined by the State Government.

(3) An occupier of land beyond assured irrigable command area desirous of supply of water to his land from the Lift Irrigation Work shall make written application to that effect to the Lift Irrigation Officer in the form prescribed, and water may be supplied (provided the area to be irrigated form one compact block) after assessing the needs of the assured irrigable command area and every such occupier shall be liable to pay water charges as may be specified by the State Government.]

1. inserted. by Act 16 of 1982.

### **23. Lift Irrigation Officer May Supply Water For Purposes Other Than Those Of Irrigation :-**

On application being made for supply of water to be used for purposes other than those of irrigation, the Lift Irrigation Officer may give permission for water to be taken for such purposes under such special conditions and restriction, as to the limitation and control of the supply as he shall think proper to impose in each case.

## **PART 7 WATER-RATES**

### **24. Charges For Water To Be Determined By The State Government :-**

1[The rates to be charged for supply of water from a Lift Irrigation Work for purposes of irrigation shall be determined by the State Government and all occupiers of land within the assured irrigable command area of a Lift Irrigation Work shall pay for it accordingly.]

2["Provided that the State Government may, if it considers necessary, make water supply in a particular Canal Irrigation Project area for a certain period by notification, in relaxation of the provisions under Section 20, 21, 22, 22-A and under this Section in the following manners:

(i) A person desiring supply of water to his field through the notified canal shall apply to the Canal Officer to this effect in writing in the prescribed form;

(ii) several persons working jointly may also make application in this behalf;

(iii) the Canal Officer if he grants applications so received, he shall give his permission in writing on the applications:

(iv) if the Canal Officer receives applications from at least seventy five per cent farmers of paddy fields of local area, he may take such action as if application for supply of water from all the farmers of paddy field of the said area have been received by him and he may order for supply of water to all the paddy fields of that area and every farmer of paddy fields of that area, who has even not made application for supply of water shall be liable to pay water rate:

Provided that the Canal Officer shall not, for this purpose in computing percentage include such paddy field which is too high to

receive or too low to require irrigations. Farmers of such excluded lands shall not be liable to pay water rates."]

1. inserted. by Act 16 of 1982.

2. inserted. by Bihar Irrigation Laws (Amdt.) Act 10 of 1988, published in Bihar Gazette (Ex. ord.) dated 23.2.1988.

## **25. Liability Of Occupiers Of Lands Benefitting From Unauthorised Use Of Water :-**

If water from any Lift Irrigation Work is used in an unauthorised manner and if the person by whose act or neglect such use has occurred cannot be identified, the occupiers of the lands on which such water has flowed if such lands have received benefit there from, shall be liable for such use to such charges as may be prescribed.

1[Explanation.-Water is said to be used in an unauthorised manner when it is taken from any Lift Irrigation Work, outlet or channel or from the assured irrigable command area in contravention of any of the provisions of this Act or the Rules made there under or of any order passed by a Lift Irrigation Officer in the behalf.]

1. inserted. by Act 16 of 1982.

## **26. Liability When Water Runs To Waste :-**

(1) If water supplied through a village channel be suffered to run to waste, and if, after inquiry by the Lift Irrigation Officer, the person through whose act such water was suffered to run to waste cannot be discovered, all the persons chargeable in respect of the water supplied through such village channel for the crop then on the ground shall be jointly liable for the charges made in respect of the water so wasted as may be prescribed.

(2) All questions arising under this and Section 25 shall be decided by the Lift Irrigation Officer not below the rank of an Executive Engineer, subject to the provisions of Section 33.

## **27. Charges Recoverable In Addition To Penalties :-**

All charges for the unauthorised use or for waste of water shall be deemed to be water-rate due on the crop, and may be recovered as such water-rate in addition to any penalties incurred on account of such use or waste.

## **28. Power To Contract For Collection Of Lift Irrigation Dues :-**

The Lift Irrigation Officer may enter into an agreement with any person for the collection and payment to the Government by such person of any sum payable under this Act by a third party.

**29. Sums Due To Be Recoverable As Public Demands :-**

All sums lawfully due under this Part to the State Government, or to any person who has entered into an agreement to collect dues for the State Government and certified by the Lift Irrigation Officer to be so due shall be recoverable as arrears of public demand.

**PART 8 JURISDICTION**

**30. Settlement Of Disputes As To Mutual Rights And Liabilities Of Persons Interested In Village Channel :-**

(1) Whenever a dispute arises between two or more persons in regard to their mutual rights or liabilities in respect of the use, construction or maintenance of a village channel, any such person interested may apply in writing to the Lift Irrigation Officer stating the matter in dispute.

(2) Such Officer shall thereupon give notice to the other persons interested that, on a date to be specified in such notice, he will proceed to inquire into the said matter and after such inquiry, he may pass his order thereon, or may transfer the matter to the Collector, who shall thereupon inquire into and pass his order on the said matter.

**31. Dispute As To Shares And Payments :-**

Whenever any dispute arises among joint owners of a village channel as to their shares of expense or as to the amounts severally contributed, or as to failure on the part of any owner to contribute his share, the matter may be decided after inquiry by the Lift Irrigation Officer or the Collector, as provided in Section 30.

**32. Order Passed By The Collector And Lift Irrigation Officer To Remain In Force Until Set Aside By Civil Court :-**

Any order passed by the Collector, under Section 30 or 31 and, subject to the provisions of Section 33, any such order passed by a Lift Irrigation Officer, shall remain in force until set aside by the decree of a Civil Court, and may be executed by any Lift Irrigation

Officer as if it were a decree of the Civil Court.

### **33. Appeal And Supervision :-**

Every order passed by a Lift Irrigation Officer under Part V, Part VI, Part VII or Part VIII of this Act shall be appealable to the Collector provided that the appeal be presented within thirty days of the date on which the Lift Irrigation Officer made the order appealed against; and no appeal shall lie against any proceeding or order of the Collector under this Act, except as otherwise expressly provided in this Act, but all such proceedings and orders shall be subject to the supervision and control of the Commissioner of the Division and of the Board of Revenue who may pass such order thereon as they may respectively think fit.

### **34. Power To Summon And Examine Witness :-**

Any officer empowered under this Act to conduct any inquiry may exercise all such powers connected with the summoning and examining of witnesses, and compelling the production of documents as are conferred on Civil Courts by the Code of Civil Procedure (V of 1908); and every such inquiry shall be deemed a judicial proceeding.

## **PART 9 OFFENCES AND PENALTIES**

### **35. Offences Under The Act :-**

Whoever, voluntarily and without proper authority, does any of the following acts, that is to say,-

- (1) damages, alters, enlarges or obstructs any Lift Irrigation Work or drainage work; or
- (2) interferes with, increases or diminishes the supply of water in, or the flow of the water from, through, over or under, any lift Irrigation Work or drainage work, or by any means raises or lowers the level of the water in any Lift Irrigation Work or drainage work; or
- (3) being responsible for the maintenance of a village channel or using a village channel, neglects to take proper precautions for the prevention of waste of the water thereof, or interferes with the authorised distribution of the water there from, or uses such water in an unauthorised manner; or refuses to allow the use of the channel to others on such terms as may be declared equitable by the Lift Irrigation Officer; or

(4) corrupts or fouls the water of any Lift Irrigation Work so as to render it less fit for the purposes for which it is ordinarily used; or  
(5) destroys, defaces or moves any level-mark or water-gauge fixed by the authority of a public servant; or  
(6) destroys, or removes any apparatus, or part of any apparatus for controlling or regulating the flow of water in any Lift Irrigation Work or drainage work; or  
(7) passes, or causes animals or vehicles to pass, in or across any of the works, banks or channels of a Lift Irrigation Work contrary to Rules made under this Act after he has been desired to desist therefrom; or  
(8) without the permission of the Lift Irrigation Officer causes or knowingly and wilfully permits, any cattle to graze upon any embankment of a Lift Irrigation Work or tethers, or causes or knowingly and wilfully permits any cattle to be tethered, upon any such embankments, or uproots any grass or other vegetation growing on any such embankments, or removes, cuts or in any way injures or causes to be removed, cut or otherwise injured, any trees, bushes, grass or hedge intended for the protection of such embankments; or  
(9) violates any Rule made under the Act, for breach whereof a penalty may be incurred;  
shall, in case of the offence does not amount to mischief within the meaning of Section 425 of the Indian Penal Code (XLV of 1860) and on conviction before a Magistrate, be liable to a fine not exceeding fifty rupees, or to imprisonment for a term not exceeding one month or to both.

### **36. Obstruction To Be Removed And Damage Repaired :-**

(1) Whenever any person is convicted of an offence under Section 35, the Magistrate may order that he shall remove the obstruction or repair the damage, in respect of which the conviction is held within a period to be fixed in such order.

(2) If such person neglects or refuses to obey such order within the fixed period, the Lift Irrigation Officer may remove such obstruction, repair such damage, and the cost of such removal or repair shall be recovered from such person by the Collector according to the procedure laid down in the Bihar and Orissa Public Demands Recovery Act, 1914 [B. and O. Act IV of 1914].

### **37. Persons Employed On Lift Irrigation Work May Take Offenders Into Custody :-**



Any servant of the Government in charge of, or employed upon, any Lift Irrigation Work may remove from the lands or buildings belonging thereto, or may take into custody without a warrant and take forthwith before a Magistrate or to the nearest police station, to be dealt with according to law, any person who within his view commits any of the following offences:-

- (1) willfully damages or obstructs any Lift Irrigation Work; or
- (2) without proper authority interfere with the supply of flow of water in or from any Lift Irrigation Work or in any river or stream referred to in Section 4 or Section 14, so as to make dangerous or render less useful any Lift Irrigation Work.

### **38. Savings Of Prosecution Under Other Laws :-**

Nothing herein contained shall prevent any person from being prosecuted under any other law for the time being in force for any offence punishable under this Act:

Provided that no person shall be punished twice for the same offence.

### **39. Compensation To Person Injured :-**

Whenever any person is fined for an offence under this Act, the Magistrate may direct that the whole or any part of such fine may be paid by way of compensation to any person injured by such offence, or to any person who gave information leading to detection of such offence or to the conviction of the offender.

## **PART 10 RULES**

### **40. Power To Make Rules :-**

(1) The State Government may, after previous publication, make Rules for the purposes of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the forgoing powers, such Rules may provide for all or any of the following matters, namely:-

- (a) the proceedings of any officer who, under any provision of this Act, is required or empowered to take action in any matter;
- (b) the cases in which, the officers to whom, and the conditions subject to which, orders and decisions given under any provision of this Act, and not expressly provided for as regards appeal, shall be

appealable;

(c) the person by whom, the time, place or manner at or in which anything for the doing of which provision is made in this Act shall be done;

(d) the amount of any charge made under this Act;

(e) the regulation of the distribution of water by rotation or otherwise; and

(f) any other matter which is expressly required to be, or may be, prescribed.

(3) All Rules made by the State Government under this section shall be consistent with the following conditions, namely:-

(a) The Lift Irrigation Officer may not stop the supply of water to any village channel or to any person who is entitled to such supply, except in the following cases:-

(i) whenever and so long as it is necessary to stop such supply for the purpose of executing any work ordered by a competent authority;

(ii) whenever and so long as any village channel is not maintained in such repair as to prevent the wasteful escape of water therefrom;

(iii) Whenever and so long as it is necessary to do so in rotation to supply the legitimate demands of other persons entitled to water; and

(iv) whenever and so long as it may be necessary to stop the supply in order to prevent the wastage or misuse of water.

(b) No claim shall be made against the State Government for compensation in respect of loss caused by the failure or stoppage of water in a Lift Irrigation Work, by reason of any cause beyond the control of the State Government, or of any repairs, alterations or addition to the Lift Irrigation Work, or of any measures taken for regulating the proper flow of water therein or for maintaining the established course of irrigation which the Lift Irrigation Officer considers necessary; but the person suffering such loss shall be entitled to such remission of the ordinary charges payable for the use of water as is authorised by the State Government.

(c) If the supply of water to any land irrigated from a Lift Irrigation Work be interrupted otherwise than in the manner described in clause (b), the occupier or owner of such land may present a petition for compensation to the Collector for any loss arising for such interruption, and the Collector shall award to the petitioner reasonable compensation for such loss.

(d) When the water of a Lift Irrigation Work is supplied for the

irrigation of any crop, the permission to use such water shall be held to continue only so long as the maximum volume of water stipulated has not been supplied.

(e) No person entitled to use the water of any Lift Irrigation Work shall sell or sub-let or otherwise transfer his right to such use without the permission of the Lift Irrigation Officer; but all contracts made between the State Government and the owner and occupier of any immovable property, as to the supply of water from any Lift Irrigation Work to such property, shall be transferable therewith and shall be presumed to have been so transferred whenever a transfer of such property takes place.