

Goa, Daman And Diu Irrigation Rules, 1975

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Goa, Daman And Diu Irrigation Rules, 1975

Whereas certain draft rules which are proposed to be made under the Goa, Daman and Diu Irrigation Act, 1973 (18 of 1973) were published as required by sub-section (1) of section 97 of the said

Act at page 385 of the Official Gazette No. 35, Series I, dated 27th November, 1975 under the Notification No. PWD/PE/2782/74 dated 14th November, 1975 of the Education and Public Works Department, the Government of Goa, Daman and Diu inviting objections and suggestions from the persons likely to be affected thereby till 15 days from the date of publication of the said notification in the Official Gazette; And Whereas the said Gazette was made available to the public on 27th November, 1975; And Whereas no objections and suggestions have been received from the public on the said draft by the Government; Now, Therefore, in exercise of the powers conferred by section 97 of the Goa, Daman and Diu Irrigation Act, 1973 (18 of 1973), the Government of Goa, Daman and Diu hereby makes the following rules, namely:-

PART 1 Preliminary

1. Short Title And Commencement :-

- (1) These rules may be called the Goa, Daman and Diu Irrigation Rules, 1975.
- (2) They shall come into force at once.

2. Definitions :-

In these rules unless the context otherwise requires:-

- (i) Act means the Goa, Daman and Diu Irrigation Act, 1973 (18 of 1973);
- (ii) Executive Engineer means an Executive Engineer in the Public Works Department, Government of Goa, Daman and Diu;
- (iii) Form means a form appended to these rules;
- (iv) Hot weather crop means a crop grown within hot weather season; namely, from 15th February to 14th June next following;
- (v) Kharif crop means a crop grown within Kharif season, namely, 15th June to 14th October next following;
- (vi) Outlet means an opening through which water passes from a tank, canal, branch canal, distributory or water-course to a field channel;
- (vii) Pass means a written order of a Canal-Officer to any person authorising him to receive a supply of water from a canal;
- (viii) Perennial crop means a crop which is irrigated continuously for a period of more than eight months;
- (ix) Plot means one or two or more portions into which a piece of land is divided for the purpose of irrigation, each of such portions being provided with separate inlet for irrigation water;

- (x) Rabi crop means a crop grown within rabi season, namely, from 15th October to 14th February next following;
- (xi) Section means a section of the Act;
- (xii) Sub-Divisional Officer means a Sub-Divisional Officer of the Public Works Department, subordinate to the Executive Engineer;
- (xiii) Superintending Engineer means the Superintending Engineer of the Public Works Department, Government of Goa, Daman and Diu.

PART 2 Construction, Control and Maintenance of Canals

3. Notice To Occupier Of Building, Etc :-

The notice to an occupier of a building, enclosed court or garden attached to a dwelling house referred to in section 9, shall be in Form 1.

4. Passing Of Persons, Animals Or Vehicles In Or Across Canals :-

(1) No person shall pass, or cause any animal or vehicle to pass in or across the bank, or channel of any canal at any place except at a place fixed by the Canal-Officer. A notice board shall be caused to be erected at the place so fixed by the Canal-Officer.

(2) In fixing places under sub-rule (1) the Canal-Officer shall have due regard to the reasonable convenience of the persons residing or holding lands in the vicinity who may have to cross the canal or provide water for their animals.

(3) A contravention of sub-rule (1) shall be an offence punishable under section 84.

PART 3 Water-Courses

5. Notification Under Section 15 :-

A notification under sub-section (1) of section 15 shall be in Form 2 and a notification under sub-section (2) of section 15 shall be in Form 3.

6. Fixation Of Boundary Marks Of Lands Acquired For Field Channels :-

The boundary marks to be fixed under section 17 shall be in stones or concrete blocks of 15.0cm x 15.00cm x 75.0cm and the said marks shall be fixed at every point where the boundary of the lands for the field channels crosses the survey number or sub-division of a survey number, at every corner of the alignment and at such other points as the Canal-Officer may deem necessary.

7. Maintenance Of Boundary Marks :-

(1) The holder of survey number or sub-division of a survey number in which boundary marks are fixed shall be bound to maintain the boundary marks in position.

(2) A contravention of sub-rule (1) shall be an offence punishable under section 84.

8. Notice Under Section 19 :-

(1) A notice to be issued under section 19 shall be in Form 4.

PART 4 Supply and use of Water

9. Application For Permission To Use Water From Canal :-

(1) Every person desiring to have a supply of water from a canal shall submit a written application to that effect to the Canal-Officer.

(2) If the application be for a supply of water to be used for purposes other than those of irrigation, the Canal-Officer may, with the sanction of the Government, give permission for water to be taken for such purpose under such special conditions and restrictions as to the limitations, control and measurement of the supply as he shall be empowered by the Government to impose in each case.

(3) An application for permission to use water from a canal for irrigation purposes shall be in Form 5.

(4) An application for a supply of water for any purpose other than irrigation shall be made by a letter addressed to the Canal-Officer.

10. Dates For Applications :-

(1) The Canal-Officer shall, by a notification published in the manner prescribed by the Government by general or special order, fixed for each canal the date for submission of the prescribed application. Any change in any such date shall be notified not less than three months in advance; provided that if in any year a change is deemed to be advisable on account of unforeseen, seasonal or economic conditions or changes in administrative arrangements, a later date may be fixed without such three months previous notification.

(2) Every application for a supply of water for the purpose of irrigation shall be made in accordance with rule 9 (3) on or before

the date fixed for submission of such applications under sub-rule (1):

Provided that if an application is received after such date and the Canal-Officer is satisfied that the delay was unintentional and due to causes beyond the control of the applicant, he may treat such application as if it had been received on due date: Provided further that if it appears to the Canal-Officer that supply of water will be available after all applications received before such date have been disposed of, he may receive applications upto any later date.

11. Acknowledgement Of Application :-

When an application for supply of water is personally delivered, the counterfoil receipt for applications attached to the duplicate form shall be initialed and dated by the Officer receiving such application and handed back to the person from whom such application is received. In other cases, the counterfoil shall be similarly initialed and dated and shall be dispatched to the applicant as soon as may be practicable after the application is received.

12. Application By Whom To Be Made And Conditions For Sanctions :-

(1) An application for a supply of water for the irrigation of land for any period may be sanctioned in favour of-

- (a) the occupant or joint occupants of the lands; or
- (b) the superior holder or joint superior holders of alienated land; or
- (c) any other person or persons having a right to cultivate the land under irrigation for the period for which supply of water is to be given; or
- (d) any other person duly authorised by any of the persons mentioned in clauses (a), (b) and (c) to receive such supply:

(2) An application made by a person having neither such interest in the land as is mentioned in clauses (a), (b) and (c) of sub-rule (1) nor such authority as is mentioned in clause (d) of the said sub-rule may be summarily rejected by the Canal-Officer.

(3) An application made by a person other than the occupant or superior holder shall not be sanctioned unless such applicant furnishes suitable security for the payment of water rates or other charges which may become payable in respect of any obligation arising out of the sanction of such application, by the execution either of a bond in Form 6 with two sureties to be approved by the Officer sanctioning the application or of a mortgage bond in Form 7.

(4) When an application is made by the occupant or superior holder the Canal-Officer may, if he considers that security is necessary, by an order in writing require such applicant to furnish similar security as is described in sub-rule (3).

(5) When an application is made by a person other than the occupant or superior holder, the Canal-Officer may refuse to sanction such application unless the consent of the occupant or superior holder has been obtained by the applicant. If the consent of any other person having an interest in the land as mortgagee or otherwise, appears to the Canal-Officer to be necessary to ensure that all obligations arising out of the sanction of such application will be carried out, he may require such consent also to be obtained by the applicant.

13. Applications May Be Rejected Or Granted Wholly Or In Part-Manner Of Sanction And Approval :-

(1) The Canal-Officer may reject the application for a supply of water or sanction the supply applied for wholly or in part or with modifications.

(2) The Canal-Officer may refuse to sanction a supply of water for the cultivation of sugarcane to any land which is within a distance of 30 meters from the boundary of any road, cart-track, open drain or well if such supply would, in his opinion interfere with the use of, or cause damage to such road, cart-track, drain or well.

(3) The order passed under sub-rule (1) shall be recorded on the application and the duplicate copy of the application shall be endorsed with a copy of the order and delivered or dispatched as the case may be, to the applicant.

(4) If the supply sanctioned is different from that applied for the applicant may either withdraw his application, in which case the sanction given shall be cancelled or make a further application for a modification of the sanction. Such further application, if sanctioned, shall not be deemed to be an application made after the prescribed date.

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

(6) If the Canal-Officer has reason to doubt the authenticity of any signature or endorsement or the truth or accuracy of any

information furnished in an application he may postpone the passing of order necessary in order to ascertain the facts. In such case, he shall record in writing his reason for postponing the passing of orders.

14. Allotment Of Available Supply :-

If from any cause, any water supply is insufficient to meet all demands for water from such supply, questions regarding the allotment of the available supply and the quantity and regulation thereof shall, subject to the general or special orders of the Government, be determined by the Canal-Officer.

15. Regulation Of Cultivation :-

(1) An order under sub-section (1) of section 24 shall be published by affixture of a copy of such order on the notice board of the Office of the Canal-Officer and by causing affixture of copies of such orders on the notice board of the Office of the Mamlatdar of Taluka and the Officer of the Village Panchayats of the villages concerned.

(2) The Canal-Officer shall determine the areas of land or portions of the wet lands in the irrigable area of a Canal to be cultivated with any crops specified in sub-section (1) of section 24 in any year, within two months before the commencement of sowing operations for the cultivation of such crop or crops.

16. Cultivation And Use Of Water :-

The following provisions in respect of cultivation and use of water shall be observed, namely:-

(i) a suitable system of water channels shall be maintained so that the water required for the irrigation of any plot can be supplied directly from a channel;

(ii) the number and location of the inlets necessary for the supply of water to any such system shall be subject to the general or special orders of the Canal-Officer;

(iii) no irrigation water shall be allowed to pass from one plot to another plot;

(iv) the manner in which water is supplied shall be subject to the general or special orders of the Canal-Officer;

(v) no crop shall be grown in the channels leading to the plots when such channels are less than 1.20 metres wide from the top inner edge of the bund and after earthing there shall be no cane growing in or interfering with the flow of water in the channels;

(vi) no crop shall be planted within 1.80 metres of the edge of a

main water-course. If a question arises as to what is a main water-course, the Canal-Officer shall decide the matter and his decision shall be final and conclusive;

(vii) no crop shall be grown on the top of any bund. A subsidiary crop may however, be grown along the slopes of the bund provided the growth of such subsidiary crop does not interfere with inspection;

(viii) (a) any bund may, immediately after rain, be cut without permission. Such bund shall, however, be properly repaired before the next watering is taken;

(b) except as provided in clause (a) a bund may be cut only in case of emergency and if the person on whose application the supply of water is sanctioned under these rules cuts the bund, he shall be liable for any wastage of water unless he shows to the satisfaction of the Canal-Officer that the accumulation of water, if any, was due to cause for which he was not responsible.

(ix) the person on whose application the supply of water is sanctioned under these rules or his representative shall be present during the whole time that water is being taken and if a pass has been issued such person shall have it in his possession.

17. Construction And Maintenance Of Bunds And Demarcation And Preparation Of Land :-

(1) In each separate area of land for the irrigation of which sanction has been obtained-

(a) the portion under irrigation shall, throughout the period of irrigation, be completely surrounded by bund not less than 0.30 metre high and of 0.30 metre top width and shall be formed into suitable plots;

(b) on any common boundary between two areas irrigated under separate sanctions, two separate bunds need not be maintained.

(2) The Canal-Officer may withhold the first supply of water in any area in which the provisions of sub-rule (1) are not complied with.

(3) The application of water to land which is not prepared and maintained in accordance with sub-rule (1) shall constitute misuse of water within the meaning of clause (d) of section 22.

PART 5 Water-Rates

18. Water-Rates How To Be Fixed :-

The rates, determined by the Government under section 33 for canal water supplied for purposes of irrigation shall, in the absence

of a special agreement or contract, ordinarily be levied in the form of-

(a) a rate per hectare of land irrigated, fixed with reference to the crops grown, the season of the year during which and the period for which water is supplied and the method of application of water to the land; or

(b) a rate per unit of quantity of water supplied.

19. Areas On Which Water-Rates Are Leviable :-

(1) Water-rates shall be levied on an unit of 0.20 hectares or on a multiple thereof: Provided that when water is supplied to an area which is less than or is not a multiple of 0.20 hectares, the rates for the supply of water to the area less than 0.20 hectares or to the residue of any area over a multiple of 0.20 hectares shall upto 0.10 hectares be levied as for a supply to an unit of 0.10 hectares and exceeding 0.10 hectares as for a supply to an unit of 0.20 hectare.

(2) Water-rates shall be payable on the whole area in respect of which sanction to supply has been given whether water is actually taken or not provided that water for such supply was available.

20. Water-Rate Leviable When Mixed Crops Are Grown :-

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

21. Water Rate Leviable When Crop Sanctioned Is Not Planted Or Fails And Another Crop Is Grown :-

When the sanctioned crop is not grown, or if fails, another crop may be sown, and if water is available, water shall be given to such second crop to the date upto which water would have been given to the crop sanctioned. No additional charge shall be levied if intimation has been given to the Canal-Officer in writing within eight days of planting the fresh crop and if the second crop is assessable at the same or at a lower rate than the sanctioned crop. If no such notice is given, the irrigation of the second crop shall be treated as unauthorised.

22. Water Rate Leviable When Land Intended To Be Irrigated By Canal Water Is Irrigated Partly By Well Water :-

If a portion of any land for the irrigation of which supply of canal water has been sanctioned is irrigated by well water for a part of

the season owing to a deficiency in the supply of canal water and the applicant notifies the fact in writing to the Canal-Officer within eight days from the date on which he began taking well water, enquiry shall be made by the Canal-Officer as to whether the use of well water was necessary and if it be shown to the satisfaction of the Canal-Officer that the use of well water was necessary the rate chargeable on the portion irrigated by well water may, at the discretion of the Canal-Officer, be reduced to an amount which shall not be less than half the rate otherwise payable.

23. Water-Rate Leviable When Well Water And Canal Water Are Conveyed In The Same Channel :-

If well water is conveyed to any land in any channel used for conveying canal water, water-rate shall be chargeable on the whole of the land irrigated from such channel; provided that if well water be taken for a part of the season owing to deficiency in the supply of canal water and the applicant notifies the fact in writing to the Canal-Officer within eight days from the date in which he began taking well water and if it be shown to the satisfaction of the Canal-Officer that such deficiency existed, the rate on the portion irrigated by well water may, at the discretion of the Canal-Officer, be reduced to an amount which shall not be less than half the rate otherwise payable.

24. Irrigation From Escape Channels :-

Irrigation from escape channels will be subject to the same provision irrigation from the post of a canal.

25. Water Rate Leviable For Supply Of Water For Forming Thrashing Floors :-

The Canal-Officer may give water for the purpose of forming thrashing floors free to any person to whom a supply of water for irrigation has, been sanctioned under these rules and to any other person at a charge per floor not exceeding half the lowest rate of 0.40 hectares.

26. Water-Rates For Non-Irrigational Purposes :-

Water supplied from a canal for any purpose other than irrigation shall be charged for at such rate per unit of volume of water supplied as the Government may, from time to time, by order direct. Where the amount of water supplied cannot be measured the supply shall be charged for in such manner as the Government may by order direct in each case.

27. Water Rate Leviable For Supply Of Water Obtained Without Permission Or Misused :-

If a supply of water is obtained by any person from a canal, whether for irrigation or for any other purpose, without the previous permission of the Canal-Officer or is used in any other unauthorized manner for irrigation or otherwise, the Canal-Officer may on each occasion, charge a rate not exceeding treble, the rate chargeable for the supply as if such supply has been sanctioned. Such rate shall be leviable in addition to any penalty which may be imposed under the Act.

28. Charges To Be Imposed When Water Supplied Through A Water-Course Is Suffered To Run To Waste :-

When water supplied through a water-course is suffered to run to waste, the Canal-Officer may, under section 35 charge,-

- (a) if the water has flowed on any land, a rate not exceeding double the watering rate for each 0.40 hectares on which water has flowed;
- (b) in any other case a rate not exceeding double the rate chargeable under rule 26 on the volume of water estimated by the Canal-Officer to have been wasted.

PART 6 Labour for Emergencies

29. Preparation Of List Of Labourers Under Section 55 :-

(1) The Collector of the District shall, from time to time, cause a list to be prepared for the able bodied persons who reside or hold land in or near the locality where any canal exists, who can be called upon to assist in the execution of any work, repair or clearance under sub-section (1) of section 54.

(2) A copy of the list so prepared shall be affixed on the notice boards of the Offices of the Mamlatdars and of the Offices of Village Panchayats of the villages concerned.

30. Classes Of Persons To Be Included In Or Exempted From List Of Labourers :-

Every list of labourers prepared under rule 29 shall contain the name of every able bodied land holder holding land in or near the locality where any canal exists, of every able bodied man or woman who resides within such area and earns his or her livelihood by manual labour:

Provided that-

- (a) the names of the Armed Forces Personnel, reservists and

military pensioners and of persons who appear to the Collector to be under sixteen years or over fifty years of age shall not be included in such list, and

(b) any landholder who is unaccustomed to manual labour shall be permitted when called to assist at any repair, clearance or work, to furnish as a substitute any able bodied person whose name is not on the list.

31. Hearing Of Objections :-

Any person whose name is entered in a list of labourers may apply in writing to the Collector to have his name removed therefrom. The Collector after such inquiry as he thinks necessary, shall record his decision in writing rejecting or granting the application.

PART 7 Taking over of Canals

32. Inquiry Under Section 58 :-

The inquiry to be made under the proviso to section 58 shall be a formal inquiry in accordance with the provisions of section 15 of the Goa, Daman and Diu Land Revenue Code, 1969.

PART 8 Appeals

33. Appeals :-

(1) An appeal in accordance with the provisions of sub-rule (2) shall be against an order:-

- (a) requiring an applicant who is an occupant or superior holder to give security under rule 12; or
- (b) rejecting a surety tendered under rule 12 as unapproved or
- (c) passed under rule 13.

(2) If the original order was passed by

- (a) a sub-divisional Officer, empowered as Canal-Officer the appeal shall lie to the Executive Engineer; or
- (b) the Executive Engineer empowered as Canal-Officer, the appeal shall lie to the Superintending Engineer.

(3) Every order passed by a Canal-Officer under rule 22 or 23 shall be appealed to the Collector.

(4) All appeals shall be presented within 30 days of the date on which the order appealed against was communicated to the appellant.

34. Manner Of Preferring Appeals :-

All appeals preferred under the act or under these rules must be made by a written petition signed by the appellant. Such petition

may be delivered at the Office of the appellate authority by the appellant in person during office hours or forwarded through post.

PART 9 Drawing of Water Free of Charge

35. Drawing Of Water From Canal On Which No Expenditure Is Made By Government :-

Notwithstanding anything contained in these rules every application for drawing of water free of charge for agricultural purposes and not for commercial or industrial purposes including the cultivation of sugarcane by sugar companies from a canal vesting in the Government and on which Government has not incurred any expenditure shall be made in accordance with the provisions of this Part.

36. Application For Water :-

- (1) Every application under this Part shall be made in duplicate to the Canal-Officer in Form 8.
- (2) Such application may be delivered personally or sent by post to the Canal-Officer.
- (3) Printed copies of the prescribed forms of application shall be supplied to intending applicants free of charge.

37. Sanction For The Use Of Water For Food And Fodder Crops :-

Sanction will be granted for the use of water free of charge for growing food and fodder crops including onions.

38. Making Channels For Taking Water :-

The applicant shall make a channel or channels for taking water to his lands at his own cost and responsibility.

39. Separation Of Crops Irrigation By Water Supplied Under This Part :-

Crops irrigated by the water supplied under this Part shall be separated from all crops irrigated by water supplied, otherwise under the Rules by at least 15 meters at all places.

40. Non-Interference With The Natural Drainage Or Artificial Channels :-

The applicant shall not interfere with the natural drainage or artificial channels in utilising the water sanctioned for his land.

41. Marking Of The Area For Which Water Has Been

Sanctioned On A Plan :-

The area for which the water has been sanctioned by Canal-Officer shall be marked on a plan which shall be signed by the applicant.

42. Compensation For Failure Or Deficiency Of Water :-

No claim for compensation on account of damage to crops due to failure or deficiency of water shall be entertained.

43. Penalty For Using Water After The Expiry Of The Period Of The Pass :-

For using water after the expiry of the period of the pass or without obtaining a pass or for breach of any of the conditions, full water-rates are liviable.

44. Granting Of Different Canal Water For The Area Sanctioned Under This Part :-

No other canal water shall be granted to or utilised for the areas brought under cultivation under the pass issued under this Part.

45. Water-Rates For Crops Grown In Excess Of The Sanctioned Area :-

Areas of crops grown in excess of the sanctioned area shall be liable to be charged at full water-rates leviable for using canal water.

46. Prohibition Of Taking Water Before Sanctioning :-

No water shall be taken by any person before his application has been sanctioned and before a pass has been delivered to him.