

Rajasthan Irrigation And Drainage Act, 1954

21 of 1954

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Rajasthan Irrigation And Drainage Act, 1954

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(Received the assent of the President on the 6th day of November, 1954) As amended subsequently by the following Acts-Raj Act 27 of 1957. Raj Act 21 of 1960. Raj Act 8 of 1962 w.e.f. 16-11-1961. Raj Act 29 of 1992 w.e.f. 17-11-1992. An Act to regulate irrigation and drainage in ^the State of Rajasthan]. Be it enacted by the Rajasthan State Legislature as follows :-

CHAPTER 1

PART 1

1. Short title and extent :-

(1) This Act may be called the Rajasthan Irrigation and Drainage Act, 1954. [(2) It extends to the whole of the State of Rajasthan].

2. Commencement :-

It shall come into force on such date 3 and in such areas as the State Government may by notification in the [Official Gazette] specify from time to time.. 1 Subs, by Act 27 of 1957. 2 Subs, lay Act 27 of 1957. 3 Came into force from 1st April, 1956 vide Notfn. No.F.2 (108) Ire. 52, dated 22.3.1956. 4 Subs, by Act 27 of 1957. 1. Constitution of India, Art. 226-Objection as to jurisdiction not raised before Tribunal-Objection cannot be allowed.- There is no mention of this objection having been raised before him and it is well settled that if an objection as to the jurisdiction of a Tribunal is not raised before the said authority a party will not be allowed to urge this objection of jurisdiction in this court unless there is patent want of jurisdiction, which is not the case here. The petitioner thus can not be allowed to raise this objection and the same will have to be rejected. Shiu Lai u. State of Raj., 1976 RLW 391 = 1976 WLN 485 = AIR 1977 Raj.1. 2. Constitution of India, Art. 226-Distribution of waterCourt does not possess specialists knowledge.- The decision of the Superin tending Engineer as to whether there sanctioning a new water course will be for the benefit of respondents 5 and 6 is a matter which is within his jurisdiction under the Rajasthan Irrigation and Drainage Act, (hereinafter to be called the ACT). This court does not possess thespecialists knowledge of the Irrigations Engineers so as to be able to say as to and in what particular manner or through which water course should the water be supplied to lands of various cultivators. Shiu

3. Interpretation :-

(1) In this Act, unless the context other wise requires,— (i) "Irrigation Officer" means an Officer appointed under this Act to exercise control or jurisdiction over an irrigation or drainage work or works; "Superintending Irrigation Officer" means an officer appointed under this Act to exercise control over irrigation and drainage works in a circle constituted under section 4; "Divisional Irrigation Officer" means an Officer appointed under this Act to exercise control over irrigation and drainage works in a division constituted under section 4; "Sub-Divisional Irrigation Officer" means an Officer appointed under this Act to exercise control over all irrigation and drainage works in a sub-division constituted under section 4; (ii) "Irrigation works" means a work or system of works, natural or artificial, not being a minor irrigation work as defined in section 2 of the Rajasthan Minor Irrigation Works Acts, 1953, and includes- (a) any canal, channel, pipe or reservoir constructed, maintained or controlled by the State Government for the supply or storage of water, (b) any work, embankment, structure or supply and escape-channel connected with such canal, channel, pipe or reservoir, (c) any water course, (d) any part of a river, stream, lake or natural collection of water or natural drainage channel to which the State Government applies the provisions of Part II of this Act; (iii) "drainage work includes escape-channels from a canal, dams, weirs, embankments, sluices, groins and other works for the protection of lands from flood or from erosion, but does not include works for the removal of sewage from towns; (iv) "water course" means any channel, [not constructed and maintained] at the cost of 2 [State Government] which is supplied with water from a canal, channel, pipe or reservoir and includes any subsidiary work belonging to such channel]; (v) "outlet" means an opening constructed in a canal through which water passes into a water course or directly on to any land. (2) 3 [x x x x]. 1. Scope of powers of S.I.O.-The work of inviting objections and disposing them has been assigned to the original authority, namely, the D.I.O.. The S.I.O. by converting himself into an original authority, has deprived the aggrieved party of a right of appeal. Bagaram v. State of Raj. & Ors., I.L.R. (1979) 29 Raj. 791 = 1979 R.L.W. 327 = 1979 W.L.N. 277 = A.I.R. 1980 Raj. 31. 2. Powers of S.I.O. to hear appeal-[I] Any order passed under section 53 by divisional irrigation officer-Held, Superintending Irrigation Officer has power

to entertain an appeal against such order.¹ Subs, by Art 21 of 1960. ² Subs, by Act 27 of 1957. ³ Omitted by Act 27 of 1957. The Order that the Superintending Irrigation Officer may pass an order on appeal u/r. 55 would be given effect to alter the removal of the crop growing at the time when the order of the Divisional Irrigation Officer is passed. The Superintending Irrigation Officer had jurisdiction to entertain the appeal preferred against the order passed by the Divisional Irrigation Officer and the Order passed by the Superintending Irrigation Officer does not suffer from any defect of jurisdiction. *Narainsingh and others v. the Superintending Irrigation Officer & Os.*, 1977 R.L.W. 233 = 1977 W.L.N. 254. [2] An appeal against the orders of D.I.O. shall lie to the S.I.O.- Thus the D.I.O. is the original authority in these matters and S.I.O. is the appellate authority, Rule (3) further provides the procedure to be followed by the D.I.O. In cases of reduction and removal of outlets, it provides that notice for the reduction and removal of outlets with brief reasons there for shall be issued by the D.I.O. giving adequate publicity through Panchayat requiring the persons affected by such reduction or removal who may wish to make objections to submit their objections in writing within 15 days from the date of such notice and the D.I.O. shall after considering such P. 11/- objections, pass necessary orders. The reason behind that provision is obvious and quite understandable. Any material change in an outlet may affect the cultivators who get water for their lands from that outlet and, therefore, the rule makers, in their wisdom, though it necessary that before any such change is introduced, the parties to be affected thereby must have adequate notice so that they may file objections, if they have any. This provision (Rule 11) is obligatory and must be followed. *Bagaram v. State of Raj.* I.L.R. (1979) 29 Raj. 791 = 1979 W.L.N. 277 = 1979 R.L.W. 327 = A.I.R. 1980 Raj. 31. 3. Exclusive powers of S.I.O.-The decision of the Superintending Engineer as to whether there sanctioning a new water course will be for the benefit of respondents 5 and 6 is matter which is within his jurisdiction under the Rajasthan Irrigation and Drainage Act, (hereinafter to be called the Act). This court does not possess the specialists knowledge of the Irrigations Engineers so as to be able to say as to and in what particular manner of through which water course should the water be supplied to lands of various cultivators. *Shiu Lai v. State of* (iii) each division shall consist of such number of subdivisions, as the State Government may, from time to time, determine and notify in the * [Official Gazette}; and all circles, divisions and subdivisions

existing on the date on which this Act comes into force shall be deemed to be circles, divisions and sub-divisions constituted and notified under this section. (2) The State Government may, by notification in the 2 [Official Gazette] (a) create new, or abolish existing circles, divisions and sub-divisions, or (b) define or alter the limits of any of them. (3) The State Government may, from time to time, by notification in the [Official Gazette], appoint— (i) an officer to exercise general control over all irrigation and drainage works throughout [the State of Rajasthan], and (ii) such other officers as it considers necessary to exercise control over irrigation and drainage works in a circle or a division or a sub-division constituted under sub-section (1). (4) The state Government may, from time to time, declare by notification in the 3 [Official Gazette], the officers 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. (5) All officers mentioned in clause (i) of sub-section (1) of section 3 shall be respectively subject to the orders of such officers as the State Government from time to time directs.

NOTIFICATIONS 1. {Notfn. No.F. 4(12) RCPD/61, dt. 9-10-1961: Pub. in Raj. Gaz. Ext.. Part IV C. dt.9-10-61].- In exercise of the powers conferred on it by sub-sections (2) and (3) of section 4 of the Rajasthan Irrigation and Drainage Act, 1954 (Rajasthan Act 21 of 1954), the State Government hereby does, for the purposes of the Act,- (a) create a new circle called "Hanuniangarh Circle" comprising the entire area surrounded by the irrigation boundaries of the Rajasthan 1 Subs, by Act 27 of 1957. 2 3Canal Project, (b) orders that the circle so created shall consist of two divisions, Rawatsar and Talwara, each being a sub-division, (c) appoints the Superintending Engineer, Hanumangarh circle, Hanumangarh, to be the Superintending Irrigation Officer to exercise control over all irrigation and drainage works in the circle so created. (d) appoints the Executive Engineer, Rawatsar Division, Rajasthan Canal Project, Hanumangarh, to be the Divisional Irrigation Officer to exercise control over all irrigation and drainage works in the Rawatsar Division, (e) appoints the Executive Engineer, Talwara Division, Rajasthan Canal Project. Hanumangarh, to be the Division Irrigation Officer to exercise control over all irrigation and drainage works in the Talwara Division, (f) appoints the Assistant Engineer, Rawatsar Subdivision, to be the Sub-Divisional Irrigation Officer to exercise control over all irrigation and drainage works in the Rawatsar Sub-division, and (g) appoints the Assistant Engineer, Talwara sub-division, to be the Sub

Divisional Irrigation Officer to exercise control over all irrigation and drainage works in the Talwara sub-division.³ [Notfn. No. F. 28(2)/Irrg/73, dt, 6-6-1973; pub. in Raj. Gaz. PL IV-C. dt. 31-1-1974, p. 128].-S.O. 118.-In exercise of the powers conferred under section 4(3) (ii) of Rajasthan Irrigation and Drainage Act, 1954 (Act No. 21 of 1954), the State Government hereby appoints the following officer to exercise control over the Irrigation and Drainage works, relating to the waters of Chaggar River within their respective jurisdiction:— 1. The Superintending Engineer, Bikaner Irrigation Circle, Sri Ganganagar. 2. The Executive Engineer, Ghaggar Flood Control Dn. Hanuman- garh Jn. and all Officials subordinate to him. 3. The Executive Engineer, Hanumangarh Dn. and all Officials subordinate to him. 4. The Executive Engineer, Pilibangan Dn. and all Officials subor dinate to him. 5. The Executive Engineer, Gang Canal South Dn. and all Officials subordinate to him. 4. [Notfn. No. F. 29(1) Irrig/79. PL 11. dt. 4-12-1979: Pub. in Raj. Gaz. PL IV-C. dt. 20-3-80. p. 446J-G.S.R. 165. In exercise of the powers conferred by Section 4 of the Rajasthan Irrigation and Drainage Act, 1954 (Act No. XXI of 1954) the State Government hereby notify that the Executive Engineer Irrigation deputed for the works of lining of Water courses and on farm development in Gang and Bhakra Canal System shall also function as Divisional Irrigation Officer. 5. [Notification No. F. 7(11) Irrg./MK/92, daed 8-6-95. pub. in Raj. Gaz. PL IB. dt. 13-6-95. p. 159(43)]. - In exercise of the powers conferred by clause (ii) of sub-section (3) of section 4 of the Rajasthan Irrigation and Drainage Act, 1954 (Act No. 21 of 1954), the Government of Rajasthan hereby appoints the following officers to exercise control over irrigation and drainage works relating to the water of Ghaggar river within their respective circles/divisions, namely:— 1. Superintending Engineer, Irrigation Circle, Shri Ganganagar. 2. Superintending Engineer, Irrigation Circle, Hanumangarh Junction. 3. Executive Engineer, Ghaggar Flood Control Division, Suratgarh Junction. 4. Executive Engineer,. Irrigation Division-I, Hanumangarh Junc tion. 5. Executive Engineer, Irrigation Division I i , Hanumangarh June- tion. 6. Executive Engineer, Irrigation Gang Canal South Canal (South Division), Sri Ganganagar. 1. Shifting of an outlet in irrigation.-The land development works specified in s.2{j) of the Raj. Land Development Corporation Act, 1975 do not include the matter relating to shifting of an outlet in an existing system of irrigation. Gurtej Singh v. State of Rajasthan, 1981 WLN UC 315. 2. Jurisdiction and powers of Divisional Irrigation Officer.-

The powers and functions of the Divisional Irrigation Officers have also been conferred on the Executive Engineers, Irrigation. The Divisional Irrigation Officer namely, the Executive Engineer, Gang canal, south division still retained the jurisdiction which was vested in him, for taking proceedings regarding shifting of outlet and as such the notice Ex.3 issued by him cannot be said to be without jurisdiction, nor the proceedings, which are being taken in pursuance of the notice Ex.3, can be said to be without jurisdiction. Gurtej Singh v. State of Rajasthan, 1981 WLN UC 315.

4. Territorial divisions and appointment of officers :-

CHAPTER 2

PART II

5. Notification to issue when water supply is to be applied for public purposes :-

Whenever 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 should be applied or used by the State Government for the purpose of any existing or projected irrigation or drainage work, the State Government may, by notification in the [Official Gazette] declare that the said water will be so applied or used after a day to be named in the said notification not being earlier than three months from the date thereof.

6. Powers of irrigation officers :-

At any time after the day so named any irrigation officer, acting under the orders of the State Government in this behalf, may enter on any land or remove any obstructions and may close any channels, and do any other thing necessary for such application or use of the said water. 1. Scope and validity of rule 11.-See Jarnel Singh v. State of Rajasthan, AIR 1992 RAJ 173=1992 (3) WLC 24=1992 (1) RLR 264=1992 WLN (UC) 483=1992 (1) RLW362 (DB). 2. Rule 11- Change in existing system of irrigation- Notice- Principles of natural justice.-It is only co-sharers of the Chak whose existing system of irrigation is sought to be changed are required to be given notice before such change is effected and that having been done, there is no breach of any rule or principles of natural justice in giving effect to the proposed alteration. It has rightly been pointed out by the executive engineer that if in the like manner, co-sharers of Chak 49 seek any alteration in the existing system or irrigation on the ground that it is not conducive for better

irrigation, their application for alteration will also be considered on the same anvil. *Jarnel Singh v. State of Rajasthan*, AIR 1992 RAJ 173=1992 (3) WLC 24=1992 (1) RLR264=1992 WLN (UC) 483=1992 (1) RLW 362 (DB). 3. Rule 11- Creation of newwater course, extension & altera tion of existing water courses-Change included in the system- Rule not ultra vires.-There are sufficient indications under the various provisions of the Act for eventualities of creating new water courses, extension of existing water courses and alteration in the existing water courses. Thus, any change in the established system or irrigation through various methodology would also include change in such system by having recourse to opening, closing, shifting or varying any outlet. We have no hesitation in holding that the impugned rule is related to prescribed purposes for which the Act has been framed and, therefore, the rule cannot be held to be ultra vires the provisions of the Act. Impugned rule is directly related to the purposes of the Act and there are enough indications under Ss.6 & 30 conferring such power on the authorities appointed under the Act, the rule cannot be held to be ultra vires merely because it refers its origin to a wrong provision. *Jarnel Singh v. State of Rajasthan*, AIR 1992 RAJ 173=1992 (3) WLC 24=1992 (1) RLR 264=1992 WLN (UC) 483=1992 (1) RLW 362 (DB).

7. Notice inviting claims for compensation :-

As soon as is practicable after the issue of such notification, the Collector shall cause public notice to be given-at convenient places, stating that the State Government intends to apply or use the said water as aforesaid, and that claims for compensation in respect of the matters mentioned in section 8 may be made before him.

8. Matter for which compensation shall not be or may be awarded :-

(1) No compensation shall be awarded for any damage caused by—
(a) stoppage or diminution of percolation or floods; (b) deterioration of climate or soil; (c) stoppage of navigation, or of the means of drifting timber or watering cattle; (d) displacement of labour; But compensation may be awarded in respect of any of the following matters:- (e) stoppage or diminution of supply of water through any natural channel to any defined artificial channel, whether above or, under ground in use at the date of the said notification; (f) stoppage or diminution of supply of water to any work erected for purposes of profit on any channel, whether natural or artificial, in use at the date of the said notification; (g) stoppage

or diminution of supply of water through any natural channel which has been used for the purposes of irrigation within the five years next before the date of the said notification; (h) damage done in respect of any right to a water course or the use of any water to which any person is entitled under Part IV of the Indian Limitation Act, 1908 or under the Indian Easements Act, 1882 of the Central Legislature as adapted to Rajasthan; (i) any other substantial damage not falling under any of the above clauses (a), (b), (c) or (d) and caused by the exercise of the powers conferred by this Act, which is capable of being ascertained and estimated at the time of awarding such compensation. (2) In determining the amount of such compensation, regard shall be had to the diminution in the market value, at the time of awarding compensation, of the property in respect of which compensation is claimed and where such market value is not ascertainable, the amount shall be reckoned at twelve times the amount of the diminution of the annual net profits of such property caused by the exercise of the powers conferred by this Act. (3) No right to any such supply of water as is referred to in clauses (e), (f) and (g) of sub-section (i), in respect of a work or S. 12 RAJ IRRIGATION AND DRAINAGE ACT, 1954 517 channel not in use at the date of the notification shall be acquired as against the State Government except by grant or under Part IV of the Indian Limitation Act, 1908, or under the Indian Easements Act, 1882 of the Central Legislature as adapted to Rajasthan. (4) No right to any of the advantages referred to in clauses (a), (b) and (c) of sub-section (1) shall be acquired as against, the State Government under Part IV of the Indian Limitation Act, 1908 or under the Indian Easements Act, 1882 of the Central Legislature as adapted to x [the State of Rajasthan].

9. Limitation of claims :-

No claim for compensation for any such stoppage, diminution or damage shall be made after the expiration of one year from such stoppage, diminution or damage, unless the Collector is satisfied that the claimant had sufficient cause for not making the claim within such period.

10. Enquiry into claims and amount of compensation :-

(1) The Collector shall proceed to enquire into any such claim and to determine the amount of compensation, if any, which should be given to the claimant. (2) Except as otherwise provided in this Act, the provisions of the law relating to compulsory acquisition of land in force at the time when any inquiry under sub-section (1) is made

shall apply to every such inquiry.

11. Abatement of rent on interruption of water supply :-

Every tenant holding under an unexpired lease, or having a right of occupancy, who is in occupation of any land at the time when any stoppage or diminution of water supply, in respect of which compensation is allowed under section 8, takes place, may claim an abatement of the rent previously payable by him for the said land, on the ground that the interruption reduces the value of the holding.

12. Enhancement of rent on restoration of water supply :-

(1) If a water supply increasing the value of such holding is afterwards restored to the said land, the rent of the tenant may be enhanced in respect of the increased value of such land due to the restored water supply, to an amount not exceeding that at which it stood immediately before the abatement. 1 Subs, by Raj. 27 of 1957. (2) Such enhancement shall be on account only of the restored water supply and shall not affect the liability of the tenant to enhancement of rent on any other ground.

13. Compensation when due :-

(1) All sums of money payable for compensation under this part shall become due three months after the claim for such compensation is made in respect of the stoppage, diminution or damage complained of. (2) Simple interest at the rate of six per cent per annum shall be allowed on any such sum remaining unpaid after the said three months except where the non-payment of such sum is caused by the willful neglect or refusal of the claimant to receive the same.

CHAPTER 3

PART III

14. Power to enter etc :-

(1) Any irrigation officer or other person acting under the general or special order of an irrigation officer, may enter upon any lands adjacent to any irrigation work, or on or through which an irrigation work is proposed to be made and undertake surveys or levels thereon; and dig and bore into the sub-soil; and make and set up suitable land marks, level marks or water gauges, and do all other acts necessary for the proper prosecution of any enquiry relating to any existing or projected work under the charge of the said irrigation officer. (2) Where such inquiry cannot otherwise be completed, such officer or other person may for reasons to be

recorded in writing cut down and clear away any part of any standing crop, fence or jungle. (3) Such officer or person may also enter upon any land, building or water course 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 thing necessary for the proper regulation and management of such irrigation works. (4) If such officer or person proposes to enter into any building or enclosed court or garden attached to a dwelling house not supplied with water flowing from any irrigation work, he shall previously give the occupier of such building; court or garden at least seven days notice in writing of his intention to do so. (5) In every case of entry under this section the irrigation officer shall, at the time of such entry, tender compensation for any damage which may be occasioned by any proceeding under this section and in case of dispute as to the sufficiency of the amount so tendered, he shall forthwith refer the same for decision by the Collector; and such decision shall be final.

15. Power to enter for repairs and prevent accidents :-

(1) In case of any accident happening or being apprehended to an irrigation work any divisional irrigation officer or any person acting under his general or special orders in this behalf may enter upon any lands adjacent to such irrigation work, and may execute all works which may be necessary for the purpose of repairing or preventing such accident. (2) In every such case such irrigation officer or person shall tender compensation to the proprietors or occupiers of the said lands for all damage done to the same. If such tender is not accepted, the irrigation officer shall refer the matter to the Collector who shall proceed to award compensation for the damage.

16. Application by persons desiring to use water :-

(1) Any person desiring to use the water of any irrigation work may apply in writing to the divisional or sub-divisional irrigation officer requesting him to construct or improve a water course at the cost of the applicant. (2) The application shall state the works to be undertaken, their approximate estimated cost, or the amount which the applicants are willing to pay for the same, or whether they engage to pay the actual cost as settled by the Divisional Irrigation Officer, and how the payment is to be made. (3) When the assent of the Superintending Irrigation Officer is given to such application, all the applicants shall, after the application has been duly attested

before the Collector, be jointly and severally liable for the cost of such works to the extent mentioned therein. (4) Any amount becoming due under the terms of such application and not paid to the divisional irrigation officer, or the person authorised by him to receive the same, on or before the date on which it becomes due, shall on the demand of such officer, be recoverable by the Collector, as if it were an arrear of land revenue. 1.Ss.16 & 20-Applicability- Hearing of application filed under S.20.-Without going into question whether s.16 will be applicable in the present case or s.20 will be applicable in the present case, the officer was not justified to throw out the application on the tactical grounds about the label of section under which application was moved. Even according to him Sec. 16 was applicable and petitioner could have moved an application for supply of water under section 16. If so, he ought to have treated the application for supply of water under section 16 and dealt with it by adopting the procedure required to be followed in the case of section 16. But in no case he was justified to refuse to decide the application for supply of water on that ground and defeat it merely for the reason that it was applied under different provision of the Act. Bachan Singh v. State of Rajasthan, 1993 (1) WLC 27. 2. Applicability.-The petitioners have not specifically stated in which Chak their land is situated but as alleged by respondents their pertains to chak No.5 & 6. This fact is not disputed. Under the circumstances, the petitioners have not been able to satisfy that by creating a new chak 6 MSR-A and allowing the applicants to take water supply for irrigation, the water course from which the petitioners are being given water supply for irrigation is reduced. The land in dispute was not irrigated through outlet of chak No. 26-A/A or any other chak including the chaks of the petitioners but by a fresh outlet in which case obviously section 16 will apply and the question of completing formalities u/s.20 of the Act does not arise. Apart from that, it is settled that opinion of expert in field is to be ordinarily accepted to be correct in the absence of there being any allegation of mala fide and the authorities having specialised knowledge about the functioning of irrigation are free to ensure proper, equitable distribution of flow of water in the interest of all concerned. Laxman v. State of Rajasthan, 1996 (2) RLR 540.

17. [State Government] to provide means of crossing irrigation works :-

(1) There shall be provided at the cost of [State Government],

suitable means of crossing irrigation works constructed or maintained at the cost of [State Government] at such places as the State Government think necessary for the reasonable convenience of the inhabitants of the adjacent lands. 1 Subs, by Act No. 27 of 1957. 2 Subs, by ArtNo. 27 of 1957. 3 Subs, by Act No. 27 of 1957. (2) On receiving a statement in writing, signed by not less than five of the owners of such lands, to the effect that suitable crossings have not been provided on any irrigation work, the Collector shall cause enquiry to be made into the circumstances of the case, and, if he thinks that the statement is established, he shall report his opinion thereon for the consideration of the State Government and the State Government shall cause such measures in reference thereto to be taken as it thinks proper.

18. Persons using water course to construct works passing water across roads etc :-

(1) The Divisional Irrigation Officer may issue an order to the persons using any water course to construct suitable bridges, culverts, or other works for the passage of the water of such water course across any public road, irrigation work or drainage channel in use before the said water course was made, or to repair any such works. (2) Such order shall specify a reasonable period within which such construction or repair shall be completed; and if, after the receipt of such order the persons to whom it is addressed, do not within the said period, construct or repair such works to the satisfaction of the said irrigation officer, he may, with the previous approval of the superintending irrigation officer, himself construct or repair the same, and if the said persons do not when so required, pay the cost of such construction or repairs as declared by the divisional irrigation officer, the amount shall, on the demand of the divisional irrigation officer, be recoverable from them by the Collector, as if it were an arrear of land revenue. [18A. Power to construct and maintain water courses and recover the cost thereof.- (1) Notwithstanding anything contained in sections 16, 17 and 18, in any area to which the State Government may, by notification in the Official Gazette, apply the provisions of this section, a Divisional Irrigation Officer may, by notice, require a person to construct and maintain, or a number of persons jointly to construct and maintain, a water- course at his or their own expense. (2) Such notice shall state the works to be undertaken, the person or persons by whom they shall be undertaken and the 1 Ins. by Art No. 21 of 19HO. date by which they should be completed: Provided

that the date mentioned in, such notice shall not expire earlier than fifteen days from, the receipt of that notice by the person for whom such notice is issued. (3) If, by the date specified in the notice under suD-section (1), such person fails, or such persons fail, to undertake and complete the works specified in such notice, the Divisional Irrigation Officer shall himself cause the same to be under taken and completed and, where two or more persons were required so to under take the said works, shall distribute the cost incurred in doing so among such persons proportionately to their share in the water-course. (4) If any such person does not pay the whole or his share as the case may be, of such cost or a part thereof, the same shall on the demand of the Divisional Irrigation Officer, be recovered by the Collector as an arrear of land revenue.] NOTIFICATION [Notfn. No. F.8(96) Irrg./60. dt. 19-8-1960; Pub. in Raj. Gaz. PL IB, dt. 8-9-1960, p.287]. By virtue of the powers vested in the State Government by S. 18{A} of the Rajasthan Irrigation and Drainage (Amendment) Act, 1960 (Act XXI of 1960), the State Government hereby notifies that the provisions of the said section shall apply with immediate effect to the territory commanded by the Chambal Irrigation Project viz., tehsils of Bundi, Talera, and Patan of district Bundi and tehsils of Ladpura, Digod, Anta, Barod, Mangrol, itawa, Pipalda and Baran of district Kota.

19. Adjustment of claims between persons jointly using water course :-

(1) If any person jointly responsible with others for the construction or maintenance of a water course or jointly making use of a water course with others, neglects or refuse to pay his share of the cost of such construction or maintenance or to execute his share of any work necessary for such construction or maintenance, the Divisional or Sub-Divisional Irrigation Officer, on receiving an application in writing from any person injured by such neglect or refusal shall serve notice on all the parties concerned that on the expiration of a fortnight from the service, he will investigate the case accordingly, and make such order thereon as to him seems fit. (2) Such order shall be appealable to x [the revenue appellate authority] whose order thereon shall be final. (3) any sum directed by such order to be paid within a specified period, may if not paid within such period, and if, the order remains in force, be recovered by the Collector from the person directed to pay the same, as if it were an arrear of land revenue.

20. Supply of water through intervening water course :-

(1) Whenever application is made to a Divisional Irrigation Officer for a supply of water from an irrigation work and it appears to him expedient that such supply should be given and that it should be conveyed through some existing water course, he shall give notice to the person responsible for the * [construction and maintenance] of such water course to show cause, on a day not less than fourteen days from the date of such notice, why the said supply should not be so conveyed and, after making enquiry on such day, the Divisional Irrigation Officer shall determine whether, and on what condition, the said supply shall be conveyed through such water course. (2) When such officer determines that a supply of water from any irrigation work may be conveyed through any water course as aforesaid, his decision shall, when confirmed or modified by the superintending irrigation officer, be binding on the applicant and also on the persons responsible for the maintenance of the said water course. (3) Such applicant shall not be entitled to use such water course until he has paid the expense of any alteration of such water course necessary in order to his being supplied through it, and also such share of the first cost of such water course, as the divisional or superintending irrigation officer may determine. (4) Such applicant shall also be liable for his share of the cost of maintenance of such water course so long as he uses it. C O M M E

N T A R Y 1. Hearing of application filed under.-Even if an application is moved under section 20, to which, according to the Irrigation Officer, section 16 applied, he should have treated the same as an application filed under S. 16 and should not have rejected it on this ground alone. Bachan 1 Subs, by Act 8 of 1962. Singh v. State of Rajasthan, 1993 (1) WLC 27. 2. Applicability.-[1] The section applies only when supply of water is required from existing water course and, therefore, provisions of section 20 do not apply to alteration of water course and, therefore, rule 11(3) cannot be saved with reference to section 20. 1977 WLN UC 275 Rel. Jarnel Singh v. State of Rajasthan, AIR 1992 RAJ 173=1992 (3) WLC 24=1992 (1) RLR 264=1992 WLN (UC) 483=1992 (1) RLW 362 (DB). [2] Allowing extra land to be irrigated from existing outlet does not amount to alter distribution system and the matter is covered by this section and it does not fall under Rule 11. Gurdeep Singh v. Superintending Irrigation Officer, 1990 (2) RLW 289=1990 WLN UC 273=1990 (2) RLR 460 3. Meaning of the expressions "irrigation work", "Water course" and "Outlet"- Irrigation of land from existing water course- Prayer is covered by S.20 and not Rule 11.-The expression "irrigation work"

is an expression of wide connotation and it includes water course as well. This expression appears in sub-section (2) of s.20. The expression "water course" has been defined to mean any channel not constructed and maintained at the cost of the State Government which is supplied with water from a canal, channel, pipe or reservoir and included any reservoir and included any subsidiary work belonging to such channel. Outlet has been defined to mean opening constructed in a canal through which water passes into a water course or directly on to any land. It would appear that outlet would mean an opening constructed in a canal but the petitioner has prayed that his land may be allowed to be irrigated from the existing water course situated in Chak 2LL. Thus having regard to the prayer made by the petitioner the matter is covered under s.20 and it does not fall under rule 11. Gurdeep Singh v. Superintending Irrigation Officer, 1990 (2) RLW 289=1990 WLN UC 273=1990(2) RLR 460. 4. R. 11-Allowing extra land to be irrigated from existing outlet-Held, it does not amount to altering distribution system. It is governed by sec. 20.-There is no doubt that the established system of canal distribution will certainly include establishment of outlets which form part of the system of canal irrigation, but two things require to be considered. Firstly, the provisions of the Act. Rule 11 was made to give effect to the provisions of section 31 as its marginal note makes it clear. Secondly, the case with which we are concerned is not a case of changing or altering the distribution system. It is a case of allowing extra land to be irrigation from an existing outlet and such a situation is contemplated and provided for by section 20 of the Act. Jaimal Ram v. The State of Rajasthan and others, 1977 WLN (UC) 275.

21. Application for construction of new water course :-

Any person desiring the construction of a new water course may apply in writing to the Divisional Irrigation officer stating- (i) that he has endeavored unsuccessfully to acquire from the owners of the land through which he desires such water course to pass, a right to occupy so much of the land as will be needed for such water course; (ii) that he desires the said irrigation officer, in his behalf and at his cost, to do all things necessary for acquiring such right; (iii) that he is able to defray all costs involved in acquiring such right and constructing such water course. 1. Applicability and scope.-The section deals with application for construction of new water course and it provides that any person desiring the

construction of new water course may apply in writing to the Divisional Irrigation Officer stating that he was endeavoured unsuccessfully to acquire from the owners of the land throughout which he desires such water course to pass a right to occupy so much of the land as will be needed for such water course; that he desires the said Irrigation officer, in this behalf and at his cost, to do all things necessary for acquiring such rights; and that he is able to defray all costs involved in acquiring such right and constructing such water course. Thus, it is clear that the section applies to the cases where a person desires for the change of watercourse for his own advantage and in doing so, he claims certain rights over the land of others. *Rajendra Manda v. State of Rajasthan*, 1993 (1) WLC 562=1992 (2) RLR 83=1992 (2) RLW 157=1992 (2) WLN 89.

2. Collector only is competent to pass orders for construction of new water course.-The new water course may be allowed to be constructed either wholly within the land in occupation of the applicant or even beyond the land which is not in occupation of the applicant. In any case it is only the Collector who is the competent authority to deal with the application and pass final order thereon. *Inder Raj u. Executive Engineer*, 1986 RLR 547=1986 RLW 392=1986 (2) WLN 57.

22. Procedure of irrigation officer thereupon :-

If the Divisional Irrigation Officer considers— (1) that the construction of such water course is expedient; and (2) that the statements in the application are true. he shall call upon the applicant to make such deposit as the Divisional Irrigation Officer considers necessary to defray the cost of the preliminary proceedings, and the amount of any compensation which he considers likely to become due under section 28, and upon such deposit being made, he shall cause enquiry to be made into the most suitable alignment for the said water course, and shall mark out the land which, in his opinion, it will be necessary to occupy for the construction thereof and shall forthwith publish a notice in every village through which the water course is proposed to be taken, that so much of such land as belongs to such village has been so marked out. and scope.-The section provides that when an application is made under s.21 of the Act, what procedure will be adopted by the Divisional Irrigation officer. The Divisional Irrigation Officer has to issue notice and invite objections in that respect and the persons so applying under s.21 of the Act are required to deposit costs of the acquisition. *Rajendra Manda v. State*

of Rajasthan, 1993 (1) WLC 562=1992 (2) RLR 83=1992 (2) RLW 157=1992 (2) WLN 89. 2. General.-An order passed by the Divisional Irrigation Officer is administrative in nature. Order passed in appeal by S.E. does not change its character. Hanuman u, Neni Bai, 1981 WLN UC 317.

23. Application for transfer of existing water course :-

(1) Any person desiring that an existing water course should be transferred from its present owner to himself, may apply in writing to the Divisional Irrigation Officer, stating— (i) that he has endeavoured unsuccessfully to procure such transfer from the owner of such water course; (ii) that he desires the said irrigation officer, in his behalf and at his cost, to do all things necessary for procuring such transfer; (iii) that he is able to defray the cost of such transfer. (2) If the Divisional Irrigation Officer considers— (a) that the said transfer is necessary for the better management of irrigation from such water course; and (b) that the statements in the application are true, he shall call upon the applicant to make such deposit as the Divisional Irrigation Officer considers necessary to defray the cost of the preliminary proceedings and the amount of any compensation that may become due under the provisions of section 28 in respect of such transfer; and upon such deposit being made, he shall publish a notice of the application in every village.

1. Applicability and scope.-The section pertains to the decision of the application for transfer of existing water course and it provides that any person desiring that an existing water course should be transferred from its present owner to himself, may apply in writing to the Divisional Irrigation Officer, stating (i) that he has endeavoured unsuccessfully to procure such transfer from the owner of such water course; (ii) that he desires the said Irrigation Officer in his behalf and at his cost to do all things necessary for procuring such transfer; and that he is able to defray the cost of such transfer. Thus the section relates to the cases where personal right in regard to transfer of water course in connection with irrigation facilities are involved. Rajendra Manda v. State of Rajasthan, 1993 (1) WLC 562=1992 (2) RLR 83=1992 (2) RLW 157=1992 (2) WLN 89. 2. Shifting of existing water course.-R was not a competent person to make an application to the Executive Engineer for shifting the existing water course when he had no interest in the agricultural fields through which the sanctioned water course passed and the Collector Ganganagar had no jurisdiction to pass any order for shifting water course on the

application of a person who was not khatedar tenant of the agricultural lands through which the sanctioned water course passes and who had no other interest in the land. Apart from that it may also be mentioned that neither s.21 nor s.23 of the Act could have any application in the facts and circumstances of the case. S.21 inter alia provides that any person desir ing the construction of a new water course may apply in writing to the Divisional Irrigation Officer stating that he had endeavoured unsuccessfully to acquire from the owners of the land through which he desires such water course to pass, a right to occupy so much of the land as will be needed for such water course; that he desired the said Irrigation Officer to do all things necessary for acquiring such rights and that he is able to defray all costs involved in having such rights and constructing such water course. This section applies when an application is made for construction of a new water course by a person for the benefit of his own fields and if for that purpose he wants the new water course to pass from the fields of others. In the instant case R did not need any new water course for his own fields. On the other hand, what he wanted was to transfer or shift the existing sanctioned water course passing through the fields of Smt. P and Smt. S for the benefit of the plaintiff to be shifted to the plaintiffs field. S.21 has no application for such a purpose. S.23 also does not apply for the simple reason that it applies when any person desires that an existing water course should be transferred from its being owner to him. That was also not the case here. S.53 had also no application because it only applies when a difference arises between two or more persons in regard to their mutual rights or liabilities in respect of the use, construction or maintenance of a water course. No such dispute as to mutual rights or liabilities was there in the instant case. Jagmal v.Devilal, 1989 (2) RLR 224=1989 (2) WLN 469=1989 (2) RLW 96. 3.Publication of notice- Effect of not giving.-When there is no provision for publication of notice as such in the rules, then general procedure for publication can be adopted with the object that the vil-lageers may come to know that applications either of the nature contemplated under s.21 or 23 have been made and are being taken into consideration and objections have been invited against such applications within 30 days under s.24. So far as the present case is concerned, it cannot be said that there has been any publication of notice. Even individual notice was not served on the petitioners. Thus it does not appear that compliance of Ss.23,24 and 25 has been made in the present case. For want of compliance of these provisions, the order

Anex. 1 and Anex.2 deserves to be quashed. Inder Raj v. Executive Engineer, 1986 RLR 547=1986 RLW 392=1986 (2) WLN 57.

24. Objection to construction or transfer applied for :-

(1) Within thirty days from the publication of a notice under section 22 or section 23. as the case may be, any person interested in the land or water course to which the notice, refers, may apply to the Collector by petition, stating his objection to the construction or transfer for which application has been made. (2) The Collector may either reject the petition or may proceed to inquire into the validity of the objection giving previous notice to the Divisional Irrigation Officer of the place and time at which such inquiry will be held. (3) The Collector shall record in writing all orders passed by him under this section and the grounds thereof. Applicability.-The section applies to the cases where notice is issued under ss.22 and 23 of the Act and certain objections are invited and are filed by the interested persons as regards the land which is sought to be acquired for grant of facility of change of irrigation water course in favour of certain persons who are ready to deposit the costs of the land sought to be acquired. The provisions apply when the objector objects before the Collector. Rajendra Manda v. State of Rajasthan, 1993 (1) WLC 562=1992 (2) RLR 83=1992 (2) RLW157=1992 (2) WLN 89.

25. When applicant may be placed in occupation :-

If no such objection is made, or (where such objection is made) if the Collector over-rules it, he shall give notice to the Divisional Irrigation Officer and shall proceed to place the said applicant in occupation of the land marked out or of the water course to be transferred, as the case may be.

26. Procedure when objection is held valid :-

If the Collector considers any objection made as aforesaid to be valid, he shall inform the Divisional Irrigation Officer accordingly, and, if such officer see fit, he may, in the case of an application under section 21, alter the boundaries of the land so marked, out and may give fresh notice under section 22.

27. Procedure when irrigation officer disagrees with Collector :-

If the irrigation officer disagrees with the Collector, the matter shall be referred to the [revenue appellate authority] for decision. Such decision shall be final and the Collector, if so directed, shall, subject to the provisions of section 28, cause the said applicant to be

placed in occupation of the land so marked out or of the water course to be transferred, as the case may be.

28. Expenses to be paid by applicant :-

(1) No such applicant shall be placed in occupation of such land or water course until he has paid to the person named by the Collector such amounts, as may be determined to be due as compensation for the land or water course so occupied or transferred, and for any damage caused by the marking out of occupation of such land, together with all expense incidental to such occupation or transfer.

(2) If such compensation and expenses are not paid when demanded by the person entitled to receive the same, the amount may be recovered by the Collector, as if it were an arrear of land revenue, and shall, when recovered, be paid by him to the person entitled to receive the same.

29. Conditions binding on applicant placed in occupation :-

(1) When any such applicant is placed in occupation of land or of a water course as aforesaid, the following rules and conditions shall be binding on him and his representative in interest:- (i) All works necessary for the passage across such water course or water courses, existing previous to its construction and of the drainage intercepted by it, and for affording proper communication across it for the convenience of the neighbouring lands, shall be constructed by the applicant, and be maintained by him or his representative in interest to the satisfaction of the 1 Subs, by Act No. H of Divisional Irrigation Officer; (ii) Land occupied for a water course under the provisions of section 22 shall be used only for the purpose of such water course; (iii) The proposed water course shall be completed to the satisfaction of the Divisional Irrigation Officer within one year after the applicant is placed in occupation of the land. In cases in which land is occupied or a water course is transferred on the terms of a rent charge-Civ) The applicant or his representative in interest shall, so long as he occupied such a land or water course, pay rent for the same at such rate and on such days as are determined by the Collector when the applicant is placed in occupation; (v) If the right to occupy the land ceases owing to breach of these rules, the liability to pay the said rent shall continue until the applicant or his representative in interest has restored the land to its original condition, or until he has paid, by way of compensation for any injury done to the said land, such amount and to such persons, as the Collector determines; vi) The Collector may, on the application of the person entitled to receive such rent or compensation,

determine the amount of rent due or assess the amount of such compensation, and if any such rent or compensation be not paid by the applicant or his representative in interest, the Collector may recover the amount, with interest thereon, at the rate of six per cent, per annum from the date on which it becomes due, as if it were an arrear of land revenue, and shall pay the same, when recovered, to the person to whom it is due. (2) If any of the rules and conditions prescribed by this section are not complied with or if any water course constructed or transferred under this Act is disused for three years continuously, the right of the applicant, or of his representative in interest, to occupy such land or water course shall cease absolutely. 30. Procedure applicable to occupation for extensions and alterations.-The procedure hereinbefore provided for the occupation of land for the construction of a water course shall be applicable to the occupation of land for any extension or alteration of a water course, and for the deposit of soil from water course clearances. Scope and validity of rule 11.- See *Jarnel Singh v. State of Rajasthan*, AIR 1992 RAJ 173=1992 (3) WLC 24=1992 (1) RLR 264=1992 WLN (UC) 483=1992 (1) RLW 362 (DB).

30. xxx :-

CHAPTER 4 PART IV

31. Water supply to be subjected to rules :-

In the absence of a written contract, or so far as any such contract does not extend, every supply of water from an irrigation work shall be deemed to be given at the rates and subject to the conditions prescribed by the rules to be made by the State Government in respect thereof. 1. Supply of water-Applicability.-[1] The section provides that in absence of a written contract, or so far as may any such contract does not extend, every supply of water from an irrigation work shall be deemed to be given at the rates and subject to the conditions prescribed by the rules. There is no doubt that water supply to the Diggi is made from an irrigation work and therefore, the supply of water is covered by this section. *Rajendra Manda v. State of Rajasthan*, 1993 (1) WLC 562=1992 (2) RLR 83=1992 (2) RLW 157=1992 (2) WLN 89. [2] Water can be supplied for other than irrigation purposes by charging same rates but this is a case where water is supplied to the villagers through diggi without payment of any charges. Earlier, water course was passing through the fields of petitioners and the petitioners were

misusing that water. They were irrigating their fields through the water course and it has been reported that irrigated crop is standing on their fields, although their land is barani in character which clearly shows that the petitioners have misutilised the water and it is because of this that they are interested that this water course should run through their fields. There is no other reason for the petitioners to file this petition when the water course is being changed on the request of the majority of the people of the village. The decision of the Irrigation experts, who are the best judges to judge from where the water course should run cannot easily be disturbed. *Rajendra Manda v. State of Rajasthan*, 1993 (1) WLC562=1992 (2) RLR 83=1992 (2) RLW 157=1992 (2) WLN 89.

2. Land whether irrigated or unirrigated-Land allotted as irrigated land- Burden of proof- Authorities when estopped from challenging.-Having carefully considered the pleadings of the parties, the arguments raised and the material that has been produced, it is clear that the State is estopped from raising the plea that the land in question is not an irrigated land. It is a case in which land has been allotted to the petitioners by a competent officer as irrigated land by charging the price fixed for irrigated land. The land is allotted to the petitioners by the concerned officer of the State as representing the State and ordinarily all the departments of the State are bound by the terms and conditions of the allotment. The officers of another department of the State have no authority to challenge the correctness of the order of the spacious ground of non-fulfilment for formalities which were required to be carried out by one or other department of the State in that regard. If lands have been offered to the petitioners as irrigated land, it has to be presumed that all formalities of converting the land from non-irrigated to irrigated have been complied with before the land was allotted to the petitioners as irrigated land at the department level itself. It cannot be given to one department to challenge the action of any other department which may result in destroying the right which have been vested in third party as a result of State action, it is not a case where the allottees of land after obtaining the land as unirrigated land, have secured its conversion. It is a case where owner of land itself has transferred his right as in favour of subject as irrigated land and no officer of the State can be permitted to resile from that position in the absence of any allegation of fraud or misrepresentation on the part of the allottees. There is nothing on record to show that apart from the fact that the land has not been recorded as irrigated land

by the Irrigation Department, it does not bear the character of the irrigated land. In the face of the orders of the State Government allotting the land, the assumption of the Executive Engineer that there is no evidence on the basis of which this land can be treated as irrigated land is patently erroneous. The burden was not on the petitioners to show that the land was the irrigated land. It was for the State, to have shown that the land was not irrigated and could not have been converted into the irrigated land before transferring it to the petitioners. Executive Engineer has committed an error apparent on the face of the record in presuming the land to be unirrigated. This alone is sufficient to vitiate the order. That it is to be taken that the land is irrigated land and was transferred to the petitioners as such then it cannot be further disputed that the irrigation Department was under an obligation to supply water for irrigation of the land when applied for. How much and in what manner, the water is to be supplied is to be decided by the competent officer of Irrigation Department in accordance with the provision of the Act, 1954, by taking into consideration, the total availability of the water supply, the total area sought to be irrigated from the concerned irrigation work and other relevant factors for the purpose of fixing the quantity time and place of water supply.

Bachan Singh v. State of Rajasthan, 1993 (1) WLC 27. 3. Scope and validity of rule 11.- See **Jarnel Singh v. State of Rajasthan**, AIR 1992 RAJ 173=1992 (3) WLC 24=1992 (1) RLR 264=1992 WLN (UC) 483=1992 (1) RLW 362 (DB). 4. Scheme of the Act.-From the perusal of the scheme of the Act, it is apparent that the purpose and interest of the Act is to regulate irrigation and drainage in the State of Rajasthan for distributing water supply for the purpose of irrigation for furthering the interest of agriculture through better irrigation. From the combined reading of definitions of irrigation work, drainage works, water-course and outlet, there cannot be any doubt that outlet is an essential part of the system of the canal irrigation and establishment of system of canal distribution will certainly include establishment of outlets. Therefore, opening, closing, varying and shifting of outlet is directly relatable to the purpose of the Act for which the powers by the authorities under the Act can be exercised. **Jarnel Singh v. State of Rajasthan**. AIR 1992 RAJ 173=1992 (3) WLC 24=1992 (1) RLR 264=1992 WLN (UC) 483=1992 (1) RLW 362 (DB). 5. Principles of delegated legislation.-The power to make subordinate legislation is derived from the enabling Act and it is fundamental that the delegate on whom such a power is conferred is to act within the limits conferred

on it. Where power has been conferred on the delegate in the general term like "to carry out the purposes of the Act", it is well established that the powers are of widest amplitude and are not circumscribed by the fact that certain other specific matters have also been stated in addition to the general power of framing rules in the authority conferring such delegation. The only inhibition where power has been conferred generally to frame rules to carry out the purposes of the Act is that delegated legislation must be capable of related to one of the prescribed purposes and the court is entitled to read the Act in this way. 1952 AC 427 (PC), {1969} All E R 1039, AIR 1966 SO 1471 & AIR 1964 SC 264 Ref. The validity of a delegated legislation has to be judged on three conditions viz: (1) Whether the provisions of such rules fall within the ambit and power conferred on the delegate. (2) Whether the rule is to any extent inconsistent with the provision of the enabling Act. (3) Whether they infringe any of the fundamental rights or other restrictions or limitations imposed by the Constitution. AIR 1984 SC 1543 (1553) Rel.on. See Jarnel Singh v. State of Rajasthan, AIR 1992 RAJ 173=1992 (3) WLC 24=1992 (1) RLR 264=1992 WLN (UC) 483=1992 (1) RLW 362 (DB).

32. Conditions of water supply :-

Such contracts and rules must be consistent with the following conditions:— (a) The Divisional Irrigation Officer may not stop the supply of water to any water course, or to any person, 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 competent authority and with the previous sanction of the State Government; (ii) Whenever and so long as any water course is not maintained in such proper customary repair as to prevent the wasteful escape of water therefrom; (iii) Within periods fixed from time to time by the Divisional Irrigation Officer. (b) No claim shall be made against the State Government for compensation in respect of loss caused by the failure or stoppage of the water in an irrigation work by reason of any cause beyond the control of the State Government, or of any repairs, alterations or additions to the 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 Divisional Irrigation Officer considers necessary; but the person suffering such loss may claim such remission of the ordinary charges payable for the use of the water as is authorised by the State Government. (c) If the supply of water to any land

irrigated from an irrigation work be interrupted otherwise than in the manner described in the last preceding clause, the occupier or owner of such land may present a petition for compensation to the Collector for any loss arising from such interruption, and the Divisional Irrigation Officer may award to the petitioner reasonable compensation for such loss. (d) When the water of an irrigation work is supplied for irrigation of a single crop, the permission to use such water shall be held to continue only until that crop comes to maturity and to apply only to that crop; but if it be supplied for irrigating two or more crops to be raised on the same land within the year, such permission shall be held to continue for one year from the commencement of the irrigation, and to apply to such crops only as are matured within that year. (e) Unless with the permission of the Superintending Irrigation Officer, no person entitled to use the water of any irrigation work, or any work, building or land appertaining to any irrigation work, shall sell or sublet or otherwise transfer his right to such use: provided that the former part of this clause shall not apply to the use, by a cultivating tenant, of water supplied by the owner of a water course for the irrigation of the land held by such tenant. But all contracts made between the State Government and the owner or occupier of any immovable property, as to the supply to water of such property, shall be transferred therewith, and shall be presumed to have been so transferred whenever a transfer of such property takes place. (f) No right to the use of the water of an irrigation work shall be, or be deemed to have been, acquired under part IV of the Indian Limitation Act, 1908, or under the Indian Easements Act, 1882, of the Central Legislature as adapted to x [the State of Rajasthan]; nor shall the State Government be bound to supply any person with water except in accordance with the terms of a contract in writing.

CHAPTER 5

PART V

33. Liability when persons using authorizedly cannot be identified :-

If water supplied through a water course be used in an unauthorised manner, and if the person by whose act or neglect such use has occurred, cannot be identified, the person on whose land such water has flowed, if such land has derived benefit therefrom, or if such person cannot be identified, or if such land has not derived benefit, therefrom, all the persons chargeable in

respect of the water supplied through such water course, shall be liable or jointly liable, as the case may be, to the charges made for such use.

34. Liability when water runs to waste :-

If water supplied through a water course be suffered to run to waste, and if, after inquiry by the Divisional Irrigation Officer, the person through whose act or neglect such water was suffered to run to waste I Subs, by Act 7 of 1997.cannot be discovered, all the persons chargeable in respect of the water supplied through such course, shall be jointly liable for the charges made in respect of the water so wasted.

35. Charges recoverable in addition to penalties :-

(1) All charges for the unauthorised use or for waste of water may be recovered in addition to any penalties incurred on account of such use or waste. (2) All questions under section 33 or section 34 shall be decided by the Divisional Irrigation Officer subject to an appeal to the Superintending Irrigation Officer, or such other appeal, as may be provided under section 60.

36. Charge on occupier for water how determined :-

(1) The rates to be charged for water supplied for purposes of irrigation to the occupiers of land shall be determined by the rules to be made by the State Government and such occupiers as accept the water, shall pay for it accordingly. (2) A rate so charged shall be called the "Occupiers" rate. (3) The rules here in before referred to may prescribe and determine what persons or classes of persons are to be occupiers for the purposes of this section, and may also determine the several liabilities, in respect of the payment of the occupiers rate, of tenants and of persons to whom tenants may have sub-let their lands, or of proprietors and of persons to whom, proprietors may have let the lands held by them in cultivating occupancy.

37. Owners rate :-

In addition to the occupiers rate, a rate, to be called the "owners rate", maybe imposed, according to rules to be made by the State Government, on the owners of irrigated lands, in respect of the benefit which they derive from such irrigation.

38. Amount of owners rate :-

The owners rate shal I not exceed the sum which, under the rules for the time being in force for the assessment of land revenue,

might be assessed on such land, on account of the increase in the annual value or produce thereof caused by the irrigation, and for the purpose of this section only, land which is held free of revenue, shall be considered as though it were temporarily settled and liable to payment of revenue.

39. Owners rate, when not chargeable :-

No owners rate shall be chargeable either on the owner or occupier of land temporarily assessed to pay land revenue at irrigation rates during the currency of such assessment.

40. Certified dues recoverable as land revenue :-

Subject to the provisions of section 41, any sum lawfully due under this part, and certified by the Divisional Irrigation Officer to be so due, which remains unpaid after the day on which it becomes due, shall be recoverable by the Collector from the person liable for the same, as if it were an arrear of land revenue.

41. Lambardars or Patels may be required to collect irrigation dues :-

The Collector may require the Lambardar or Patel, if any, of any local area to collect any sums payable under this Act in respect of any land or water in such local area, and deposit the amount so collected in the State Treasury, as directed by the Collector, and in the event of any person failing to pay any sum so required, it shall be recovered from him as an arrear of land revenue.

CHAPTER 6

PART VI

42. Power to prohibit obstructions or order their removal :-

(1) Whenever it appears to the State Government that injury to any land or the public health or public convenience has arisen or may arise from the obstruction of any river, stream or drainage channel, the State Government may, by notification published in the [Official Gazette], prohibit within limits to be desired in such notification, the formation of any obstruction or may within such limits, order the removal or other modification of such obstruction.

(2) Thereupon so much of the said river, stream or drainage channel as is comprised within such limits, shall be held to be a drainage, work, as defined in section 3. NOTIFICATIONS 1. [Notfn. No. D. 5908/F 6(67) Irrg./59. dt. 13-7 1959: pub. in Raj. Gaz. PL IB. dt. 30-7-1959. p. 251\]. Whereas it appears to the State Government that injury to lands, public health and public

convenience is likely to be caused from 1 Subs, by Act 27 of 1997. obstructions on the natural stream feeding the Galjor Bund in Tehsil Phalodi (Distt. Jodhpur) Now, therefore, in exercise of powers conferred under section 42 of the Rajasthan Irrigation and Drainage Act, 1954 (Act. No. XXI of 1954), the State Government hereby prohibits the formation of any new obstructions and order the removal of old obstructions from the source of the said nullah at one extremity to the point it meets the galjor Bund at the other extremity. 2. [Notfn. No. F. 28(2) Irrg./73. dt 6-6-1973; pub. in Raj. Gaz. Ext PL IV-C(ii). dt. 9-6-73. p. 68-69]. S.O.30-In exercise of the powers conferred under section 42 of the Rajasthan Irrigation & Drainage Act, 1954 (Act No. 21 of 1954), the State Government hereby prohibits formation of any obstruction which may obstruct or cause obstruction to the flow in or along the Ghaggar River bed from stone line 198/272 Chak 18 CDR upto Indo Pak border beyond Chak 94 GB and orders the removal of such obstructions, if any, within this limit. 3. [Notfn. No. F. 28(2) Ing./73. dt. 6-6-1973; Pub. in Raj. Gaz. Pt. IV C. dt. 31-1-74, p. 129]. S.O. 119.- In exercise of the powers conferred under section 42 of the Rajasthan Irrigation and Drainage Act, 1954 (Act No. 21 of 1954), the State Government hereby prohibits formation of any obstruction with may obstruct or cause obstruction to the flow in or along the Ghaggar River bed from stone line 198/272 Chak 18 CDR upto Indo-Pak border beyond Chak 94 GB and orders the removal of such obstructions, if any, within this limit.

43. Power to remove obstructions after prohibition :-

(1) The Divisional 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. (2) If, within the time so fixed, such person does not comply with the order, the said irrigation officer may himself remove or modify the obstruction and if the person to whom the order was issued does not, when called upon, pay the expenses involved in such removal or modification, such expenses shall be recoverable by the Collector from him or his representative in interest as an arrear

44. Preparation of schemes for works of improvement :-

Whenever it appears to the State Government that any drainage works are necessary for the improvement of any lands, or for the proper cultivation or irrigation thereof, or that protection from

floods or other accumulations of water, or from erosion by a river, is required for any lands, the State Government may cause a scheme for such drainage works to be drawn up and published together with an estimate of its cost and a statement of the proportion of such cost which the State Government proposes to defray and a schedule the lands which it is proposed to make chargeable in respect of the scheme.

45. Power of persons employed on such scheme :-

The persons authorised by the State Government to draw up such scheme may exercise all or any of the powers conferred on irrigation officers by section 14.

46. Rate of lands benefited by works :-

(1) An annual rate, in respect of such scheme, may be charged, according to rules to be made by the State Government on the owners of all lands which shall, in the manner prescribed by such rules, be determined to be so chargeable. (2) Such rate shall be fixed as nearly as possible so as not to exceed either of the following limits :— (i) Six per cent per annum on the first cost of the said works, adding thereto the estimated yearly cost of the maintenance and supervision of the same, and deducting therefrom the estimated income, if any, derived from the works, excluding the said rate; (ii) In the case of agricultural land, the sum which under the rules then in force for the assessment of land revenue might be assessed on such land on account of the increase of the annual value or produce thereof caused by the drainage work; (iii) Such rate may be varied from time to time within such maximum by the State Government; (iv) So far as any defect to be remedied is due to any irrigation work; road or other work or obstruction, constructed or caused by the State Government or by any person, a proportionate share of the cost of the drainage works required for the remedy of the said defect, shall be borne by the State Government or such person, as the case may be.

47. Recovery of rate :-

Any such drainage rate may be collected and recovered in manner provided by sections 40 and 41 for the collection and recovery of water rates.

48. Disposal of claims to compensation :-

Whenever in pursuance of a notification made under section 42, any obstruction is removed or modified, or whenever any drainage work is carried out under section 44, all claims for compensation on

account of any loss consequent on the removal or modification of the said obstruction or the construction of such work, may be made before the Collector and he shall deal with the same in the manner provided in section 10.

49. Limitation of such claims :-

No such claim shall be entertained after the expiration of one year 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.

CHAPTER 7

PART VII

50. Power to prescribe number of labourers to be supplied by persons benefited by irrigation works :-

(1) In any district in which an irrigation or drainage work is constructed, maintained or projected by the State Government, the State Government may, if it thinks fit, direct the Collector— (a) to ascertain the proprietors, sub-proprietors or farmers, whose villages or estates are or will be, in the judgment of the Collector, benefited by such irrigation or drainage work, and (b) to set down in a list, having due regard to the circumstances of the district and of the several proprietors, sub-proprietors, or farmers the number of labourers which shall be furnished by any of the said persons, jointly or severally, from any such village or estate, for employment on any such irrigation or drainage work when required as hereinafter provided. (2) The Collector may, from time to time, add to or alter such list or any part thereof.

51. Procedure for obtaining labour for works urgently required :-

(1) Whenever it appears to a Divisional Irrigation Officer duly authorised by the State Government that unless some work is immediately executed, such serious damage will happen to any irrigation or drainage work as to cause sudden and extensive public injury, and that the labour necessary for the proper execution thereof cannot be obtained in the ordinary manner within the time that can be allowed for the execution of such work as to so prevent such injury, the said officer may require any person named in such list to furnish as many labourers (not exceeding the number which according to the said list, he is liable to supply) as to the said officer seem necessary for the immediate execution of any work. (2) Every requisition so made shall be in writing and shall state—

(a) the nature and locality of the work to be done, (b) the number of labourers to be supplied by the person upon whom the requisition is made, and (c) the approximate time for which and the day on which the labourers will be required, and a copy thereof shall be immediately sent to the Superintending Irrigation Officer for the information of the State Government. (3) The State Government shall fix, and may from time to time alter the rates to be paid to any such labourers; provided that such rates shall exceed the highest rates for the time being paid in the neighborhood for similar works; and 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 part prevented from following his ordinary occupation. (4) The State Government may direct that the provisions of this art shall apply, either permanently or temporarily (as the case may be), to any district or part of a district for the purpose of effecting necessary annual silt clearances, or to prevent the proper operation of an irrigation or drainage work being stopped or so much interfered with as to stop the established course of irrigation or drainage.

CHAPTER 8 PART VIII

52. Jurisdiction under this Act of Civil Courts :-

Except where herein otherwise provided all claims against the State Government in respect of anything done under this Act may be tried by the Civil Courts; but no such court shall in any case pass an order as to the supply of water to any crop sown or growing at the time of such order. 1. Ss.52 & 53- Sco civil court not barred.- Section 52 of the Act expressly provides that except where otherwise provided all claims against the State Government in respect of anything done" under this Act may be tried by the civil courts but no such court shall in any case pass an order as to the supply of water to any crop sown growing at the time of such order. Sub-section (1) of section 53 of the Act further provides that whenever a difference arises between two or more persons in regard to their mutual rights or liabilities in respect of the use, construction or maintenance of a water course, any such person may apply in writing to the Divisional Irrigation Officer stating the matter in dispute and such officer shall thereupon give notice to the other persons interested that on a day to be named in such notice, he will proceed to enquire into the said matter and after such enquiry, he shall pass his order thereon unless he transfers the

matter to the Collector who shall thereupon enquire into and pass his order on the said matter. Sub-section (2) of section 53 further provides that such order shall be final as to use or distribution of water for any crop sown growing at the time when such order is made and shall thereafter remain in force until set aside by the decree of a civil court. That a close scrutiny of Ss.52 and 53 of the Act clearly reveal that jurisdiction of a civil court is neither expressly nor impliedly barred under the Act but these two sections made it clear that all the orders passed under the Act by Irrigation Officials or Collectors are subject to the decree of the civil court except interim orders passed by them for protection of existing sown growing crops at the time when such orders are made. The State legislature under the exemption did not intend to oust the jurisdiction of civil court by protecting the interim orders passed by Irrigation officials or Collectors but it intends to protect the existing sown growing crops at the time when such orders are made mitigating scrutiny of civil courts relating to strict compliance of law by such statutory authorities in passing such orders. Smt. Sauindar Kaur v. State of Rajasthan, 1998 (1) WLC 318=1997 (3) RLW 1878. 2.Suit not barred.-The section bars a civil court from passing an order as to supply of water to any crop sown growing at the time of such order, and except where otherwise provided, all claims against the State in respect of anything done under this Act can be tried by civil court. Obviously, for a suit based on the damage to the crop on account of over flooding of the field by the negligence of the Irrigation Department, the State is not barred under this Act. Rameshwar v. State of Rajasthan, 1987 (1) RLR 806

53. Settlement of reference as to mutual rights and liabilities of persons interested in water course :-

(1) Whenever a difference arises between two or more persons in regard to their mutual rights or liabilities in respect of the use, construction or maintenance of a water course, any such person may apply in writing to the Divisional Irrigation Officer stating the matter in dispute; and such officer shall thereupon give notice to the other persons interested that, on a day to be named in such notice, he will proceed to enquire into the said matter, and, after such enquiry, he shall pass his order thereon unless he transfers (as he is hereby empowered to do) the matter to the Collector who shall thereupon enquire into and pass his order on the said matter.

(2) Such order shall be final as to the use or distribution of water for any crop sown or growing at the time when such order is made

and shall thereafter remain in force until set aside by the decree of a Civil Court. 1. Scope of-Parties seeking water Course.-Held, sec. 53 is not attracted. Shwla v. State of Rajasthan, 1976 R.L.W. 391 = 1976 WX.N. 485 = A.I.R. 1977 Raj. 1. 2. Rajasthan Irrigation & Drainage Rules (1955), R. 55- Order passed under section 53 by Divisional Irrigation OfficerHeld, Su perintending Officer has power to entertain an appeal against such order-The order that the Superintending Irrigation Officer may pass on appeal u/R. 55 would be given effect to after the removal of crop growing at the time when the order of the Divisional Irrigation Officer is passed. The Superintending Irrigation Officer had jurisdiction to entertain the appeal preferred against the order passed by the Divisional Irrigation Officer and the order passed by the Superintending Irrigation Officer does not suffer from any defect of jurisdiction. Narainsingh and others v. The Superintending Irrigation Officer and Ors., 1977 WLN 254 = 1977 RLW 233.

54. 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, as are conferred on Civil Courts by the Code of Civil Procedure; and every such inquiry shall be deemed a judicial proceeding.

CHAPTER 9

PART IX

55. Offenses under Act :-

Whoever, without proper authority and voluntarily does any of the acts following, that is to say— (1) damages, alters, enlarges or obstructs any irrigation or drainage work; (2) interferes with, increase or diminishes the supply of water in, or the flow of water from, through, over or under, any irrigation or drainage work; (3) interferes with or alters the flow of water in any river or stream, so as to endanger, damage or render less useful any irrigation or drainage work; (4) being responsible for the maintenance of a water course or using a water course, neglects to take proper precautions for the prevention of waste of the water thereof or interferes with the authorised distribution of the water therefrom, or uses such water in an unauthorised manner; (5) corrupts or fouls the water of any canal so as to render it less fit for the purposes for which it is ordinarily used; (6) being liable to furnish labourers under Part VII of this Act, fails without reasonable cause to supply or assist in supplying the labourers required of him; (7)

destroys or moves any level mark or water gauge fixed by the authority of a public servant; (8) passes, or causes animals or vehicles to pass, on or across any of the works, banks or channels of an irrigation or drainage work contrary to rules made under this Act, after he has been desired to desist therefrom; (9) violates any rule made under this Act for breach whereof a penalty may be incurred; 1 [shall be liable, on conviction before a Magistrate, to a fine not exceeding one hundred rupees, or to imprisonment not exceeding one month, or to both, for the first offence; and to a fine not exceeding five hundred rupees, or to imprisonment not exceeding three months, or to both, for a subsequent offence].

56. Saving of prosecution under other laws :-

Nothing herein contained 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.

57. Compensation to persons 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 the person injured by such offence.

58. Power to arrest without warrant :-

Any person in charge of, or employed upon, any irrigation or drainage work may remove from the lands or buildings belonging thereto, or may take into custody 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 irrigation or drainage work: (2) without proper authority interferes with the supply of flow of water in or from any irrigation or drainage work or in any river or stream, so as to endanger, damage or render less useful any irrigation or drainage work.

59. Definition of Irrigation work :-

In this part the expression "irrigation work" (unless there be something repugnant in the subject or context) be deemed to include also all lands occupied by the State Government for the purpose of irrigation works, and all buildings, machinery, fences, gates and other erections, trees, crops, plantations or other produce, occupied by, or belonging to the State Government, upon such lands. I Subs, by Raj 29 of 1992 w.c.f. 17-1]-92.

60. Power to make rules :-

(1) The State Government may, from time to time, make rules to regulate the following matters:- (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, and the officers to whom, and conditions subject to which, orders and decisions given under any provisions 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 made in this Act, shall be done; (d) the amount of any charge made under this Act; (e) and generally to carry out the provisions of this Act. (2) Such rules shall be published in the Official Gazette, and shall thereupon have the force of law.

NOTIFICATIONS 1. [Notfn. No.F. 13(3) Irrg./73. dt. 3-12-1975: pub. in Raj. Gaz. Ext. PL /V-C, dL19-2-76. p. 854(104)]. G.S.R. 250(22).-In exercise of the powers conferred by clause (d) and (c) of sub-section (i) of Section 60 read with section 36 of the Rajasthan Irrigation & Drainage Act. 1954 (Act No. XXI of 1954) the Government of Rajasthan hereby makes the following amendment in Schedule II of the Rajasthan Irrigation and Drainage Rules, 1955 as substituted by this Department Notification No. F. 13(6) Irrg./73, dt. 22-11-1974, namely: — AMENDMENT Existing rates for Pre 1952 Irrigation works (Column No. 4) of the said Schedule shall be substituted as under:—] Subs, by Act No. 27 of 1957. s. No. Crop Pre 1952 Irrigation works except inundation Irrigation Pre. 1952 Irrigation works-Jurisdiction Irrigation Per Acre (Rs.) Per Acre {Rs.) 1. Sugarcane 30.00 12.00 2. Rice 14.00 5.00 3. Cotton 20.00 12.00 4. Maize 7.00 5.00 5. Bajra 7.00 5.00 6. Jawar 7.00 5.00 7. Pulses 12.00 9.00 8. Garden 34.00 Per Year 16.00 9. Gowar 12.00 7.20 10. Simmhemp & Grass 12.00 9.00 11. Vegetables 14.00 8.00 12. Other Kharif Crops 12.00 9.00 13. Wheat 12.00 7.20 14. Barley 7.00 5.00 15. Gochani & Bejar 12.00 8.00 16. (a) Gram (1st Watering) 7.00 8.00 (b) Grain (2 & more watering) 12.00 8.00 17. Palewa 4.00 18. Fodder 12.00 7.20 19. Oil seeds 12.00 9.00 20. Water nuts 17.00 9.00 21. Indigo & other dyes 12.00 9.00 22. Tobacco 3 5.00 9.00 23. Lucerne & Poppy 15.00 8.00 24. Zeera 13.00 8.00 25. Other Rabi Crops 12.00 9.00 This amendment shall come into force from Kharif Crop of 1974. 2. [Notfn. No. F. 13(4) Ing./ 76, dt. 18-3-1976; pub. in Raj. Gaz. PL IV-C, dt 13-5-76, p. 131(56)]. G.S.R. 15(6).-In exercise of the

powers conferred by clause (d) and (e) of sub-section (1) of Section 60 read with Section 36 of the Rajasthan Irrigation & Drainage Act, 1954 (Act No. XXI of 1954), the State Government hereby makes the following amendment in Schedule II of the Rajasthan Irrigation and Drainage Rules, 1955 as substituted by this Department Notification No. F. 13(6) Irg/73, dt. 22-11-1974 and No. F. 13(3) Irg./73, dt. 3-12-75, namely:-

AMENDMENT In the said Schedule II at Serial Numbers 1, 2, 13, 14, 15, 16(a) and 16(b) the existing rates for (a) Gang Canal, Bhakra, Ghaggar and Rajasthan Canal (Irrigation under Perennial channels) (b) Chambal Canal area and all works constructed after 1st January, 1952 and all works in the area of former States of Banswara, Dungarpur and Pratapgarh, Pre-1952 Irrigation works except inundation Irrigation and Pre-1952 Irrigation works -Inundation Irrigation (Columns 3, 4 & 5) said in respect of following crops shall be substituted as under:—

3. [Notification No. F. 13(4) Irrig/79. dated 25th September. 1980, pub. in Raj. Gaz.. pt. IV-C. dt 10-1980. p. 352]- S.O. 396.- In partial modification of the department notification of even number dated 1-1-1980 and in exercise of the powers conferred by section 60 of the Rajasthan Irrigation and Drainage Act, 1954 (Act XXI of 1954) read with sub-rule (4) of Rule 31 of the Rajasthan Irrigation and Drainage Rules, 1955, the State Government hereby prescribe the following due dates for the purpose of the said rule, namely:—

1. For current demand i.e. for the Rabi and Kharif of the financial year 1979- 80 alongwith the arrears prior to the date of 15th December, 1979
2. For the Subsequent years: Rabi Upto 30th Sept. Kharif Upto 31st March

The section which authorises State Government to frame rules does not specify that rules can be framed for the purposes of empowering closing, varying, shifting, or opening of outlet. Under clause (1) (e) the power has been conferred in a very general term on the State Government to frame rules for carrying out the purposes of the Act which is to regulate distribution of water supply through irrigation and drainage system for better irrigation of the area and if the impugned rule is related to this object, the same cannot be held to be ultra vires of the provisions of the Act merely because it is not referable to other items which have been specified for the purposes of framing the rules.

darnel Singh u. State of Rajasthan, AIR 1992 RAJ 173=1992 (3) WLC 24=1992 (1) RLR 264=1992 WLN (UC) 483=1992 (1) RLW 362 (DB).

2. Principles of delegated legislation.- See comments under S.31. *darnel Singh v. State of Rajasthan*, AIR 1992 RAJ 173=1992 (3) WLC 24=1992 (1)

RLR 264=1992 WLN(UC) 483=1992 (1) RLW 362 (DB). Upto 31st
March, 1980