# Bihar Public Irrigation and Drainage Works Rules, 1948

BIHAR India

# Bihar Public Irrigation and Drainage Works Rules, 1948

# Rule BIHAR-PUBLIC-IRRIGATION-AND-DRAINAGE-WORKS-RULES-1948 of 1948

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1.

These Rules may be called the Bihar Public Irrigation and Drainage Works Rules, 1948.

2.

In these Rules -(a)"Form" means a Form in the Appendix to these Rules;(b)"Section" means a Section of the Act;(c)"The Act" means the Bihar Public Irrigation and Drainage Works Act, 1947.

3.

(a)An application by any person under sub-section (1) of Section 3 shall be made in Form A.(b)Whenever the State Government decides under sub-section (1) of Section 3 of the Act that it is necessary to construct, improve, repair or maintain any work, a description of the proposed work shall be published in the Bihar Gazette in Form B, along with a notice specifying the period during which any person whose interests are likely to be affected by the proposed work may present in writing any objection to the proposed work, and a date on which any objection to the proposed work shall be heard. Copies of description of the proposed work and the notice also be published by affixing copies thereof in Hindi -(i)in the Court-house of every Collector, Sub-divisional Officer and

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Munsif within whose jurisdiction, and at every police-station within the limits of which, any land affected by the proposed work is situated; (ii) at a conspicuous place in such haats, bazars, towns, villages, post office, or landlords' kucheries, if there be any, and such other public places as the Collector may direct and also by announcing by beat of drum at such public places that the copies have been so affixed: Provided that in case of a proposed work to be executed under Section 2A of the Act, only a description of such work without any notice, shall be published in the Bihar Gazette in Form B (I).

#### 4.

The authority to whom a petition of objection shall be presented under clause (a) of sub-section (1) of Section 3 and who shall enquire into such objection under sub-section (3) of the said section and forward a report on the objections to the Irrigation Department for the area in which the proposed work is situated.

#### 5.

The fee to be paid on an objection under clause (a) of sub-section (1) of Section 3 or under Section 7 whether made individually or jointly shall be Re. 0.94 which shall be paid by means of a non-judicial stamp. The fee shall not be refunded in any case.

#### 6.

The detailed plan and estimate prepared under sub-section (3) of Section 5 shall -(a)be accompanied by the following documents, namely: -(1)a map showing roughly the boundaries of the area likely to be benefited by the work,(2)a land plan (scale 16 inches=1 mile) showing the land and interest therein to be acquired permanently or temporarily,(3)a statement with plan showing the land and interests therein which can be acquired by negotiation as free gift,(4)a statement showing the contributions to be made by the person who will be benefited,(5)a statement of interests likely to be adversely affected,(6)a statement of any labour or materials that may be furnished free of cost,(7)an estimate of the recurring cost (including the cost of any special establishment required for the future maintenance of the work, and(b)contain the following particulars in addition to the particulars mentioned in clauses (a) and (b) of Section 6, namely:-(1)the area of land likely to be adversely affected by the work, and(2)the estimated time required for the completion of the work.

#### 7.

The particulars of any modification and the notice referred to in the proviso to Section 7 shall be published in the manner prescribed by (b), Rule 3 for the publication of the description of the proposed work and notice mentioned in subsection (1) of Section 3.

The prescribed authority for the purpose of sub-section (4) of Section 8 shall be Commissioner of the Division.

#### 9.

Every Revenue Officer appointed by the State Government for the purpose of determining compensation under Chapter VI of the Act and for making a survey and for preparing a register under Sections 18 and 19 or for discharing any other function of a Revenue Officer under the Act is hereby vested with -(i)all the powers exercisable by a Civil Court in the trial of suits;(ii)power to enter upon any land and to survey, demarcate and make a map of the same;(iii)all the powers of a Superintendent of Survey and a Deputy Collector under the Bengal Survey Act, 1875;(iv)powers to take down evidence with his own hand in English language, in proceedings held under chapters VI, VII and VIII of the Act.

#### 10.

The procedure of the survey and the preparation of the register required under Section 18 and 19 shall be:-(1)Cadastral survey or preparation of the field to field map.(2)Khanapuri, preparation of the draft register of lands.(3)Attestation of the draft register.(4)Publication of the draft register under sub-section (3) of Section 18 and under sub-section (1) of Section 20.(5)Disposal of objections and submission of the draft register to the Collector with the Revenue Officer's recommendation and to the prescribed authority with the Collector's recommendation.(6)Disposal of appeals, if any, by the prescribed authority under sub-section (3) of Section 20.(7)Correction of the draft register in accordance with orders passed under sub-section (5) of Section 18, or on appeals.(8)Final publication of the register.(9)Distribution of copies of the finally published Khatians to the parties interested.

#### 11.

The following shall be the principal documents to be prepared in the course of the survey and preparation of the register under Chapters VII and VIII of the Act:-Village map.Khasara.Khatian.Purchas.Rate report.Copies of finally published Khatians for distributions and such other documents as the Board of Revenue may, from time to time, specify to be prepared in accordance with instructions issued by the Board.

#### 12.

A detailed field to field survey shall be made of the total area specified in the notification issued under sub section (1) of Section 18 and Section 19 as appearing to be benefited by the work. A field map shall be prepared for every village or part of a village in which any part of such area is situated.

(i)For preparing the maps referred to in Rules 11 and 12 copies of the maps for the villages concerned prepared at the last cadastral survey and settlement operations shall be taken on blue print and used as the basis. The last cadastral survey maps shall be revised where survey laid down in Rule 43, in Volume I, of "The Technical Rules of Settlement Department (1927)"(ii)The revised maps shall show the boundaries of every field separately according to the definition of a field noted below:-"A field is a plot or contiguous plot of the same class of land held in the same right and under the same tenant or group of tenants holding jointly in the same tenancy.""If a group of tenants, holding one tenancy jointly, cultivate separately, the lands cultivated by one member must be surveyed separately from those cultivated by another. A portion of an area which would otherwise be considered one field, if found in the occupation of a mortgagee, sub-leasee, or vendee, will be separately surveyed."Explanation. - Any uncultivated lands of a tenant forming part of his rent-paying or rent-free holding will be included with his contiguous lands under cultivation and will be surveyed as one field and within the same set of boundaries.

#### 14.

A Khasara or field index shall be prepared in Form C. -Column 1. - This shall contain the serial number of the field as shown in the map referred to in Rule 12. Column 2. - The fields shall be classified under one or the other of the following classifications. -(1)Cultivated (Abad)(2)Gairmazrua Malik.(3)Gairmazrua Am.(4)Orchard (Bag).(5)Homestead (Makan and Sehan or Ghar Bari)Column 3. - This column shall contain the home, etc., of the occupant whether a raiyat, under-raiyat with the right of occupancy, a proprietor or a tenure-holder. If the field is in possession of a mortgagee, the name of the mortgagee shall be shown in this column and name of mortgagee shall be shown in the remarks column. If the held is in possession of an under-raivat with no right of occupancy, the name of the under-raiyats shall be shown in this column and that of the raiyat in the remarks column.In the case of fields classified as Gairmazrua Am this column shall be kept blank. If a field is in occupation of one whose name has already been recovered in respect of any previous plot, only a reference shall be made to the previous entry. Column 4. - This column shall be filled up only in the case of lands held by a tenant on rent in kind. Column 5. - In this column shall be entered the status of the occupant in regard to the field, e.g., raiyat, under-raiyat, Bakast, Zirat or Gairmazrua Malik. In the case of Bakast, Zirat, Gairmazarua Malik or Gairmazrua Am the column shall be left blank. Column 6. - In this column shall be shown the nature of rent, payable for the field viz., cash rent (Naqdi), rent in kind (Bhaoli) or rent-free (Belagan). In the case of Bakast, Zirat, Gairmazrua Malik Gairmazura Am the Column shall be left blank. Column 7. - Area - This column shall be filled in after area extraction work has been done. Column 8. - The word "no" shall be entered against plots recorded as Gairmazrua Am or Homestead. The entry against all other fields shall be "yes". Column 9. - The number given to the Khatian containing the fields shall be entered in this column No khatian containing the fields shall be entered in this column. No khatian shall be prepared for Gairmazrua Am or homestead lands and hence, there will be no entry in this column against such plots.

The khatian shall be prepared in Form D. The khatian shall be a copy of the register and the finally published khatian shall be a copy of the finally published register. Each khatian shall be prepared in duplicate and one copy shall be given to the occupant. In the case of an occupant being a tenant holding a Bhaoli rent the khatian shall be prepared in triplicate and one shall be given to the occupant and one copy to his landlord. The duplicate and duplicate copies shall known as purchas. The entries in the khatian shall be made from the khasara entries. Only the fields shown as "is likely to be benefited or will be benefited" shall be entered in the khatian. There shall be a separate khatian for each occupant for all lands held by him under one status. In the case of a raiyat or an under-raiyat with right of occupancy there shall be a separate khatian for all lands under one kind of rent or held rent free. The landlord column shall be filled up only in the case of tenants paying rent in kind. All khatian shall be arranged and numbered alphabetically. The possession of under-raiyats with no right of occupancy or of mortgagees may be shown in the remarks column.

#### 15A.

The register shall be made of the khatians of all occupants of lands in the area affected.

#### 16.

All disputes preferred at the time of preparing the khasras and khatians shall be entered in the dispute shall be in Form E. A separate serial member shall be given to dispute and not to each plot. The dispute entry shall not be made in the khasara or the khatian until the disputes have been decided. Only the entries in the disputed columns shall be omitted. The number of any plot, however, affected by the dispute shall be encircled in red ink in the khasara to show that there is some dispute about the plot. If there is any dispute regarding the person in cultivation possession the plot in the dispute shall be entered in a common khatian containing all such disputed plots which shall be known as mutunaza khatian. After the decisions of the disputes the plots shall be transferred to the khatians concerned. The gist of all orders passed in English in deciding disputes shall be translated into Hindi. After the entries in the khasaras and the preliminary khatians have been corrected in accordance with orders by him in the disputes the Revenue Officer shall draw up his rate report and shall cause columns of the khatians to be filled up in accordance therewith.

#### 17.

The Revenue Officer shall prepare a rate report for each village containing the following particulars :-(1)the total cost to be realised for the work,(2)the share of the cost to be realised from the village in question,(3)a statement in Form F showing the amount payable by each person benefited by the work,(4)the Revenue Officer's recommendations as to the rates of recovery mentioned in sub-section (2) of Section 19.

When the map, khatian, khasara, purcha and rate of report for village have been prepared in the manner prescribed by these Rules the Revenue Officer shall cause copies of draft khatians (purchas marked as draft) to be distributed to the person interested.

#### 19.

After the purchas have been distributed the Revenue Officer shall cause to be published a notice in Form G fixing a day which shall be not less than one week from the date of publication of the notice, on which he will be present at some place to be specified at or near the village for the purpose of attesting and completing the register. The date so fixed shall not be less than 15 days from the date of distribution of the purchas.

#### 20.

The notice shall further state that on the date so fixed, or on any other day to which the proceedings may be adjourned the Revenue Officer will deal with the objections relating to the entries other than entries made in accordance with decisions in Khanapuri disputes in the record or omissions therefrom; and the notice shall require all parties interested in the subject of the enquiry to attend at the time and place specified with their purchas, and with such evidence as they may have to offer in connection with the proceedings.

#### 21.

Such notice shall be published by proclamation and beat of drum, and fixed in the presence of not less than two persons, in some conspicuous place in the village to which it refers.

#### 22.

The Revenue Officer, may also, if he deems fit, take such additional measures under the powers conferred on him by Rule 9 as he may deem desirable to procure the attendance, at the place specified in the notice issued under the last preceding Rule, of the occupants, under-raiyats, raiyats, tenure-holders, landlords, proprietors and mortgagees having interest in any land likely to be benefited or benefited by the work or their authorised agents.

#### 23.

On the date specified in the notice issued under Rule 19 or on any other date to which the proceedings may be adjourned, the entries which have been made in each khatian shall be read out in the presence of such of the interested parties as are in attendance.

If the correctness of any entry other than an entry made in accordance with a decision in a Khanapuri dispute is questioned, the Revenue Officer shall dispose of the objection after local enquiry or otherwise: Provided that if the correctness of the measurement be objected to, and a fresh measurement be demanded, the Revenue Officer may require the cost of the measurement to be deposited by the party objecting or demanding fresh measurement if the measurement shows the original measurement to have been inaccurate, the amount deposited or any portion of it, may, if the Revenue Officer thinks fit, be refunded to the depositor. Any such refund, ordered by the Revenue Officer, shall be made in accordance with Subsidiary Rule No. 60 of the Bihar and Orissa Account Code in Treasury Order Form 11.

#### 25.

When the register has been prepared and attested in the manner prescribed in these Rules and when the register shall have been arranged and corrected in accordance with the orders which the Revenue Officer may have passed, he shall record a proceeding in which he shall state that attestation of records of the village has been completed, and shall then cause the draft register to be published in the village in the manner provided in Rule 26.

#### 26.

(a)After the register has been prepared and attested, a notice of draft publication of the register in Form H shall be published in one or other of the following manners; by posting it up at the landlord's office in the village, and in the presence of not less than two persons, in some other conspicuous place in the village, or where of the village is uninhabited in the village in which most of the cultivators of the uninhabited village reside. The date fixed for the commencement of draft publication shall not be less than one week from the date of publication of the notice. (d)Draft publication shall be done by keeping the register open for public inspection under the supervision of the Revenue Officer free of charge for a period of one month and at such a place as is specified in the notice.

#### 27.

Objections made to any entry in or omission from the register during the period of draft publication shall be received and disposed of after hearing by the Revenue Officer. Objections shall, as far as practicable, be made in Form I.

#### 28.

All such objections shall be dealt with summarily.

The Commissioner of the Division shall be the authority to whom the Collector shall forward the recommendations of the Revenue Officer together with his own opinion thereon.

#### 30.

When the Commissioner of the Division has corrected the draft, register in accordance with the order passed under sub-section (4) of Section 18, he shall cause the register (with the alteration in the entries proposed to be made by him) to be published placing it for public inspection free of charge during a period of not less than 15 days at such convenient place as he may determine.

#### 31.

A notice under sub-section (5) of Section 18 shall be served in Form J and objections to any proposed alteration specified in the notice shall be received by the Commissioner of the Division within 30 days of the date of the service of the notice.

#### 32.

Any person who has made an objection under Rule 31 may, if the Commissioner of the Division thinks fit, be called upon to produce evidence in support of his objection. All such objections shall be dealt with summarily.

#### 33.

An appeal under sub-section (3) of Section 20 shall lie to the Commissioner of the Division.

#### 34.

When the Revenue Officer has corrected the draft register in accordance with the orders passed by the Commissioner of the Division on appeals, he shall finally prepare the register and cause it to be published under Section 21 by placing it for public inspection free of charge during a period of not less than 15 days at such convenient place as he may determine. Before the register as finally prepared is published under this Rule, the Revenue Officer shall cause to be published in each village affected by the work a notice in Form K informing the landlords and tenants of such village and any other person in each village having an interest in the lands benefited or likely to be benefited by the work of the place at which the final register of that village will be open to public inspection and the period during which it will be open to such inspection.

The Revenue Officer shall cause to be made as many copies of each of the finally published khatians as may be necessary for distribution to the persons interested. Each copy shall bear a certificate under the Revenue Officer's signature and seal that it is a copy of the khatian as finally published. The copies prepared as above shall be made over to the person interested.

#### 36.

The finally published register shall be made over to the Collector of the district and shall bear a certificate under the Revenue Officer' signature and seal that it is the finally published register.

#### 37.

A notification issued under sub-section (1) of Section 22 declaring the intention of the State Government to alter the amounts entered in the register after it is finally published under Rule 35 shall be published by the Collector by proclamation and beat of drum, and by posting a copy of such notification in the presence of not less than two persons in some conspicuous place in the village to which it refers. The period for which such notification shall remain published shall be not less than one month from the date on which it is so posted. If the proposed alteration is likely to affect the amount recorded as payable by any person, then simultaneously with the publication of the notification such person shall be served with a notice in Form L.

#### 38.

Objection made to any proposed alterations specified in a notification issued under sub-section (1) of Section 22 shall be received by the Collector within thirty days of the date of the service of notice under Rule 37.

#### 39.

Any person who has made an objection under Rule 35 may, if the Collector thinks fit, be called upon to produce evidence in support of his objection. All such objections shall be dealt with summarily.

#### 40.

The prescribed authority for the purpose of sub-section (1) of Section 26 shall be the Collector of the district concerned and sums due from any person under the Act shall be paid directly to the treasury. The payment of sums due, or, if the Collector or the State Government has fixed more than one instalment the first instalment of such payment shall be made on a date within six months from the date the register of land becomes final the remaining instalment (if there be more than one) being annually on the same date. The challan shall be sent to the Collector. Form A(Vide Rule 3 (a) of the Bihar Public Irrigation and Drainage Works Rules, 1948.) Form of application to be submitted

under Section 3 (1) of the Bihar Public Irrigation and Drainage Works Act, 1947 (Bihar Act X of 1947)

- 1. Name or general description of work.
- 2. Name of district(s) in which the work is situated or proposed to be constructed.
- 3. Necessity or the purpose of the work.
- 4. What estates and villages are likely to be benefited.
- 5. What is the approximate acreage of the lands likely to be benefited.
- 6. Whether the estates benefited and willing to pay the cost work.
- 7. Whether the petitioner (s) is (are) prepared to meet his (their) own share of the cost of the work.
- 8. Whether the people of the locality are prepared to part with their lands for the work as a free gift.
- 9. Has this scheme in the knowledge of the petitioner (s) been ever considered before.

# **Schedule**

Description of the proposed work
1. Name of work
2. General description of work (Plans and descriptive notes can be seen in the office of the Executive Engineer, Division from to on the latter half of any working day.)
3. Name of district(s), sub-division(s), and police-station(s) in which the work is situated or proposed to be constructed.
4. Necessity or the purpose of the work.
5. What estates and villages are likely to be benefited.
6. What estates and villages are likely to be adversely affected.
7. What is the approximate acreage of the land likely to be benefited.
8. What is the approximate acreage of the land likely to be adversely affected.
9. What is the approximate cost of the work and the approximate amount recoverable from the persons having an interest in the lands and benefited by the work.
10. What is the approximate rate per acre payable by the persons having an interest in the lands and benefited by the work.
Form 'B' 1(Vide Rule 3 (b) proviso of the Bihar Public irrigation and Drainage Works Rules, 1948)Whereas the State Government have, after considering a report of

2. General description of work or scheme.

1. Name of work or scheme -

(Plans and descriptiv	e note	s can be seen in
the office of theExecu	itive E	ngineer,
Division, from	to	on the latte
half of any working d	ay.)	

- 3. police-station (s) inwhich the work is situated or proposed to be constructed.
- 4. Necessity or the purpose of the work.
- 5. What estates and villages are likely to benefited.
- 6. What estates and villages are likely to be adversely affected.
- 7. What is the approximate acreage of the land likely to be benefited.
- 8. What is the acreage of the land likely to be adversely affected.
  - What is the approximate cost of the work and the approximateamount recoverable from the
- 9. persons having an interest in thelands and benefited by the work.
  - What is the approximate rate per acre payable by
- 10. the personhaving an interest in the lands and benefited by the work.

### Schedule 2

## Schedule 3

By order of the Governor of BiharSecretary to GovernmentForm C(Vide Rule 14 of the Bihar Public
Irrigation and Drainage Works Rules, 1948)Form of KhasraName of villageThana no
ThanaDistrict

		Name of	Name of				Whether			
		the	the				will be			
		landlord	landlord		Nature		benefited			
Field	l Classification	with	with	Ctatus	of any	A one A D D I/ D	or is	Reference	Domonlea	
no.	of land	father's	father's	Status	rent if	AcreA.D.B.K.D.	likely to	to Khatianno.	Remarks	
		name,	name,		any		bebenefite	ed		
		casteand	casteand				by the			
		residence	residence				work			
1	2	3	4	5	6	7	8	9	10	

Form D(Vide Rule 15 of the Bihar Public Irrigation and Drainage Works. Rules, 1948.)Form of khatian and Purcha or Copy of the Register Front Page.

#### 1.

(1) Name of the village -(2) Thana -(3) Thana No. -

- 2. khatian No. -
- 3. Name, parentage and residence of the occupant.
- 4. Name, parentage and residence of the landlord.
- 5. Status.
- 6. Nature of rent, if any.
- 7. Total area in the khatian.
- 8. Rate at which the cost has been calculated.
- 9. Total cost payable -

(a) by the occupant.(b) by the landlord. Reverse Page

Field no. Boundary Classification AreaA.D.B.K.D. Remarks.

1 2 3 4 5

NS

NS

NS

NS

NS

NS

		NS								
		NS								
		NS								
		NS								
		NS								
Form E(Vide Rules 16 of the Bihar Public Irrigation and Drainage Works Rules, 1948)Dispute list of										ıte list of
village										
	Date of institution	Khasra number or khewat	Name of parties, parentage, caste, residence	_	or of	Order passed by khanapuri officer	Date of termim with initials	Attes office	d by tation	Date of termim with initials
1	2	3	4	5		6	7	8		9
(1st party)							Khatianno.			Date of check with initials
(2nd party)						Date of check with initials				
(1st party)					Date of termim with initials			Date of termim with initials		
			(2nd party)				Khatians no. Date of check with initials			
Form F(Vide Rule 17(3) of the Bihar Public Irrigation and Drainage Works Rules, 1948)Statement of cost payable by each person having an interest in the work.Name and village  Thana										
Serial	no. Nar		n Khatian			Cost rate p	er acre	Amount payable	Rema	arks
A.D.E 1	3.K.D 2		3		4	5		6	7	

Form GVide Rules 19 and 20 of the Bihar Public Irrigation and Drainage Works Rules, 1948Notice of Date of Attestation of RegisterNotice of the proprietors, tenure-holders, landlords, raiyats,

under-raiyats and occupants of -Village ParganaThana DistrictThana no. Or Revenue survey be benefited of the above mentioned village from (here state the work). I shall deal with objections relating to entries (other than entries made in accordance with decisions in Khanapuri disputes) in the register or omissions therefrom. You are hereby required to attend before at the above mentioned time and place, or at any other time and place to which the proceedings may be adjourned, with your purchas, if any, and to produce such evidence, written or oral, as you may have Rule 26 of the Bihar Public Irrigation and drainage Works Rules, 1948) Notice of Draft Publication of the RegisterNotice to the proprietors, tenure-holders, landlords, raiyats, under-raiyats and occupant :-Village ParganaThana DistrictThana no.Take notice that the attested register of the above mentioned village will be placed at ...... for one month from ...... and will be open to public inspection, free of charge, for the said period, during which objections may be filed under Sections 18 and 20 of the Bihar Public Irrigation and Drainage Works Act, 1947. Revenue OfficerDate ......Form I(Vide Rule 27 of the Bihar Public Irrigation and Drainage Works Rules, 1948) Form of filing objection under Sections 18 and 20 of the Bihar Public Irrigation and Drainage Works Act, 1947Village ParganaThanaThana no. DistrictName of objector, with father's name, caste and address. Name, father's name, caste and address of person in whose khatian the entry objected to has been made, and number of khatian if known. Statement of entry objected to ...... with details of...... objection. Statement of relief sought. Date of the filing of the objection. Signature of objector. Thumb-impression Form J (See Rule 31 of the Bihar Public Irrigation and Drainage Works Rules, 1948) Village Name, parentage, residence of Thana the occupant Thana no. KhatianTake notice that the undersigned is satisfied that ...... alteration in the amount of Rs. ..... recorded as recoverable in the register of lands from you is necessary and proposed to alter it to Rs. Any objection to the proposed alteration may be filed before the under-signed within 34 of the Bihar Public Irrigation and Drainage Works Rules, 1948) Notice for final publication of the register of lands benefited or likely to be benefited. Notice to the proprietors, tenure-holders, raivats, under-raiyat and the occupants o. -Village ParganaThanaThana no. DistrictTale notice that all objections and appeals under Section 20 of the Bihar Public Irrigation and Drainage Works Act, 1947, having been disposed of, the register of above mentioned village has been finally prepared and will remain open to inspection of all persons interested for a period of 15 days from the date of publication of this notice at (place) and during hours of working days. On the expiration of the period of 15 days the register will be considered as finally published. Revenue OfficerForm L(See Rule 37 of the Bihar Public Irrigation and Drainage Works Rules, 1948) Village Name, parentage, residence of Thana the occupant Thana no. Khatian Take notice that the Provincial Government are satisfied that alteration in the amount of Rs. ..... recorded as recoverable in the finally published register of lands from you is necessary and propose to alter it to Rs.....Any objection to the proposed alteration may be filed before the Collector within 30 days of this notice.Collector