

The Haryana Canal and Drainage Rules, 1976

HARYANA

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Part I – Preliminary

1. Short title.

- These rules may be called the Haryana Canal and Drainage Rules, 1976.

2. Definitions. [Section 65]

- In these rules, unless the context otherwise requires, -(a)"Act" means the Haryana Canal and Drainage Act, 1974;(b)"Deputy Commissioner" means the Deputy Commissioner of a district;(c)"form" means a form appended to these rules;(d)"outlet' means a device for supplying water to a watercourse or temporary watercourse from a canal;(e)"private tubewell" means a tubewell other than State tubewell;(f)"water allowance" means the discharge authorised for a given culturable commanded area;(g)"Schedule of water rate" means the schedule of water rates appended to these rules.

Part II – Of the Application of Water for public purposes

3. Power to remove tubewell. [Section 6].

- If any person installs a tubewell in contravention of the provisions of section 3, the Divisional Canal Officer may by order direct the owner thereof to remove it within a period of thirty days from the date of receipt of order by him. If the owner fails to remove the tubewell within the specified

period the Divisional Canal Officer, may in addition to any other action that can be taken under these rules, get it removed.

Part III – Of the Construction and Maintenance of Works

4. Order for construction of works. [Section 15].

- An order under Section 15 shall be in writing and shall be served on the person concerned or his representative in the manner prescribed in rule 96.

5. Application for water [Sections 17 and 24].

- An application under Section 17 or Section 24 shall be in form I and shall be presented in duplicate and shall be stamped in accordance with law in force relating to court fees.

6. Alteration in outlet [Section 17].

- No alteration in outlet shall be carried out during the period from the 11th May to the 30th September and from the 16th November to the 31st March without obtaining the prior approval of the Chief Canal Officer :Provided that in cases involving increase in size of outlet, or alterations sanctioned at the request of all the irrigators, alteration may be made at any time.

7. Form and manner of publication of schemes [Section 18].

- All schemes prepared under Section 17 shall be published for inviting objections and suggestions by fixing a copy thereof in a conspicuous place in the village or villages concerned, displaying the sketch plan, the name of village or villages, the name of distributary and RD of outlet, the date on which the scheme will be explained verbally by the Divisional Canal Officer and any other necessary information which the Divisional Canal Officer may deem fit. The Lambardar concerned shall be informed about the scheme and he in all the affected villages shall, by beat of drum or in any other customary manner, announce the place where the detail of the scheme can be inspected. The acknowledgement of Lambardar and his statement of having announced and given publicity shall be recorded in the file of the scheme and shall be conclusive proof of such announcement and publicity.

8. Manner of publication of rejection of scheme or particulars of scheme approved and modified [Section 19].

- The Divisional Canal Officer shall publish the fact of rejection of a scheme or the particulars of the scheme approved or modified by him under sub-section (2) of Section 18 in the manner prescribed under rule 7.

9. Procedure for hearing appeals by Superintending Canal Officer [Section 20(1)].

- The Superintending Canal Officer shall not make any order in respect of the Divisional Canal Officer's decision until after the expiry of a period of thirty days from the date of its publication under sub-section (1) of Section 19 and may then, whether or not any objection has been filed, make an order confirming or modifying such decision, or may before making an order direct that further inquiry and report on the point or points specified by him be made by the Divisional Canal Officer :Provided that no such order or direction shall be made unless the objector or the persons affected, if any, have been given an opportunity of being heard by giving a notice of not less than fifteen days mentioning therein the date, time and place at which the objections will be heard.

10. Opening of new watercourses [Sections 15 and 17].

- Water shall not be released into any new watercourse until all works necessary for the passage across such watercourse or watercourses existing previous to its construction and of the drainage intercepted by it and for affording proper communications across it, for the convenience of the neighbouring lands, are completed to the satisfaction of the Divisional Canal Officer.

11. Manner of publication of notice [Section 21].

- When the Divisional Canal Officer either of his own motion or on receipt of application from a shareholder proceeds under Section 21 to acquire any land required for implementation of the scheme he shall cause a sketch plan to be prepared showing the alignment of proposed watercourse, and giving identification numbers of the fields, acquisition of which in his opinion is necessary for such watercourse, and publish the same in the manner prescribed in rule 7.

12. Procedure for recovery of cost. [Sections 22 and 23].

(1) Before proceedings are taken to recover the cost under Section 22 or Section 23 from a shareholder, the Divisional Canal Officer, after determining the proportionate share of cost recoverable from each shareholder shall send a notice of demand in writing to each shareholder specifying the amount recoverable from him under Section 22 or section 23, as the case may be. (2) Any person aggrieved by a notice of demand may, within a period of thirty days of the receipt of the notice, present an application stating his objections in writing to the Divisional Canal Officer. The orders of the Divisional Canal Officer passed thereon after such enquiry, as he may deem fit shall be final. (3) The term "cost" in section 22 shall be deemed to mean the total cost of execution of the work and shall include the cost of land, if any, acquired for the execution of the work, departmental charges and such interest charges as may be ordered by the State Government in accordance with its financial rules.

Part IV – Of the Supply of Water

13. Limit of length of watercourse. [Section 26(1)].

- Water shall not ordinary by granted to lands where the length of watercourse from its head to its points of contact with the field exceeds three kilometres.(2)In the sandy areas where the field cannot be served upto three kilometres through watercourse, application should not be refused merely on the ground that the land lies within three kilometres from the head of the watercourse to its point of contact with the field.

14. Apprehended wastage. [Section 26].

- Supply of water shall not be granted where in the opinion of the Divisional Canal Officer, loss from wastage is likely occur. An application for revision may be preferred to the Superintending Canal Officer against the decision of the Divisional Canal Officer.

15. Restriction on grant of applications. [Section 26].

- Application for supply of canal water shall not ordinarily be granted in respect of lands where the available supply of water in the canal distributary of drainage watercourse is already full utilised.

16. Sanitary reasons. [Section 26].

(1)The Divisional Canal Officer shall not engage to grant water for irrigation of any kharif crop upon lands within one kilometre from the outer most houses of any town, if such irrigation be objected to by the Municipal Committee or, if there be no Municipal Committee by the Deputy Commissioner or the Chief Medical Officer and the objection is approved by the Superintending Canal Officer after affording opportunity to the applicant of being heard.(2)When the State Government has, by notification, declared that the irrigation of certain crops within a specified distance from the boundary of cantonment may not on sanitary grounds, be permitted, no engagement for a supply of water shall be made against the terms of such prohibition.(3)Every supply of water shall be deemed to be given subject to the condition that the water shall not be used for the cultivation of any particular kind of crop in any particular locality in which the use of canal water for that kind of crop has been prohibited by the State Government on sanitary grounds by notification. When however the right to impose this prohibition is exercised in regard to existing cultivation, the occupiers shall be entitled to such compensation, if any, as the State Government may think just.

17. Filling of tanks [Section 26].

(1)Tanks, within the irrigation boundary, may, subject to the following provisions, be filled with canal water without charge and without reference to the area irrigated in any village whenever water can be made available without injury to the cultivation dependent on any canal :(i)No tank shall be so filled unless exclusively used for domestic purposes or for watering cattle or for the manufacture

of bricks not subsequently burnt in a kiln or for pise wall buildings.(ii)The Lambardar of a village or Sarpanch of the Gram Panchayat of village in which there are one or more tanks for which a supply of canal water is required shall submit an application to the Divisional Canal Officer, stating the number, names and approximate general dimensions of the tank or tanks for which water is required. The Sub-Divisional Canal Officer, on receipt of the application and after further enquiries that he may deem necessary shall pass an order stating the number and names of the tanks to which canal water may be supplied, whenever it can be made available without injury to the cultivation dependent on the canal. A written licence in the terms of this order shall[be] [Words [be] and [canal] missing in Gazette Notification.] given to the applicant by the Sub Divisional[Canal] [Words [be] and [canal] missing in Gazette Notification.] Officer and shall remain in force until revoked by a written order of the Divisional Canal Officer.(iii)Tanks shall be filled at such time as may be directed by the Divisional or Sub-Divisional Canal Officer either by a general or by a special order. If it is desired to fill a tank at any other time, written application shall be made to that effect. The filling of tanks shall be permitted only at such time and to such extent as the Divisional and Sub- Divisional Canal Officer may approve.(iv)No tank shall be so filled which by intercepting any line of drainage is liable to overflow from an accumulation of water derived from natural sources.(v)No tank shall be so filled when the watercourse used to fill it is in the opinion of the Divisional Canal Officer, in an unsound or unfit condition to supply.(vi)The licence granted under clause (ii) may, for breach of any of foregoing provisions, in addition to any penalty which may be incurred under the Act, be suspended for a period of one year, under a written order of the Divisional Canal Officer passed on a regular proceeding and enquiry in each case. An appeal against such order shall lie to the Superintending Canal Officer within a period of thirty days from the date of receipt of the order.(vii)In cases in which tanks have been filled without obtaining the licence under clause (ii) or during the period of its suspension under clause (vi) or at time other than those prescribed by the Divisional or Sub- Divisional Canal Officer under clause (iii) the water so filled into such tanks may be charged for at such rate, not exceeding the rate for the time being in force for water supplied in bulk as the Divisional Canal Officer may in each case direct. Against such charges an appeal shall lie to the Superintending Canal Officer.(viii)The Divisional Canal Officer may sanction a temporary outlet for filling of tanks provided no irrigation is done through such temporary outlet and it shall be on the conditions mentioned in clauses (i) to (vii).(2)Tanks outside the irrigation boundary may be filled with canal water for purely domestic purpose or for watering cattle on sanction by the Chief Canal Officer under such conditions as may be laid down in each case.(3)Tanks may be filled with canal water for the purpose other than those mentioned in sub-rules (1) and (2) and canal water shall be charged for at the rates mentioned in the scheme of water rate.(4)Notwithstanding anything contained in the foregoing provisions, the Sub-Divisional Canal Officer may, for the reasons to be recorded in writing allow irrigation from tanks. The water so used shall be charged at the rates specified in the Schedule of water rates.

18.

(1)The Divisional Canal Officer may :-(a)for a term exceeding one year, with the previous sanction of the State Government; and(b)for a term not exceeding one year with the previous sanction of the Superintending Canal Officer make contracts for the supply of canal water for purposes other than those for irrigation not specified in the Schedule of water rates.(2)Notwithstanding anything

contained in sub-rule (1), when water is supplied to forts or other military buildings, cantonments, civil stations, cities, towns, railways, public gardens or other places of public resort, either by filling of tanks or by direct flow, the Divisional Canal Officer shall obtain previous sanction of the State Government for making the contract at special rates.

19. Water power. [Section 6].

- The use of water power may be granted by the Divisional Canal Officer at such rates and under such conditions as may be sanctioned by the State Government in each case.

20. Procedure to notify orders. [Section 27(1)(a)].

- An order to stop the supply of water to any watercourse under clause (a) of sub-section (1) of Section 27 shall be in writing and a copy thereof shall expeditiously be sent to the Irrigation Booking Clerk of each village concerned or in his absence to the Sarpanch of the Gram Panchayat or a Lambardar of the village. The receipt of each person to whom a copy of the notice is sent shall be fixed to a schedule prepared for the purpose which shall be recorded in the Divisional Canal Office. It shall be the duty of the Irrigation Booking Clerk or Sarpanch or Lambardar who receives the notice to affix it at once in a conspicuous place in the village and to make its purport generally known.

21. Stoppage of supply in improperly maintained watercourse work. [Section 27(1)(b)].

- Stoppage of supply of water to any watercourse under clause (b) of sub-section (1) of Section 7 may be enforced if the Divisional Canal Officer has satisfied himself that the watercourse is not maintained in proper customary repair. The order for such stoppage shall be in writing.

22. Report of closures [Section 27].

- Immediate report shall be made to Superintending Canal Officer of all closures under clause (a) or clause (b) of sub-section (1) of Section 27.

23. Claims for remission of ordinary charges payable for use of canal water [Section 27(2)].

(1) Where damage is caused by the failure or stoppage of or reduction, in water in the canal, claims for remission where damage is confined to individual field as may be presented to the Divisional or Sub-Divisional Canal Officer or the Deputy Commissioner by the cultivator, or where a large part of an estate is effected, by the Lambardar or Sarpanch of the Gram Panchayat of the affected area to the Collector or Divisional Canal Officer, in each case before the crop is cut and not later than ten days previous to such date as may be fixed by the Commissioner and the Superintending Canal Officer jointly for commencing the Kharaba inspections of the crops in question. Explanation.

Ordinary charge shall mean water rate.(2)The quantum of damage shall be assessed in respect of each field by the inspecting officers.(3)No remission shall be admissible under this rule unless the damage to the crop is more than seventy five per cent, that is the yield of the crops is less than twenty five per cent of the normal yield of crop in the village concerned and in such a case full remission shall be allowed.Explanation. - A normal yield of crop is represented by 100 paise.

24. Special charges for canal water rushed in unauthorised manner or suffered to run to water.

(1)The special charges for water supplied through a canal used in an unauthorised manner in respect of the lands specified in column 2 of the table given below on which water is flowed, shall be as mentioned against each in column 3 thereof. The special charges shall be in addition to the water rate otherwise chargeable and to such penalties as may be imposed under section 58 :-Table

S. No.	Kind of land	Special charges
1	Sown land	equal to twenty times the ordinary water rate leviable on the standing crops;
2	Unsown land	equal to twenty times the highest rate shown in Schedule of water rates;
3	Pond land	equal to twenty times the bulk rate shown in the schedule of water rates.

Provided that the Divisional Canal Officer may after taking into consideration the facts of each case, impose lower charges.Provided further that the special charges may be imposed for each distinct and separate occasion on which water is so used.(2)The special charge specified in sub-rule (1) shall be applicable for water supplied through an outlet or water course, which is suffered to run to waste.

25. Supply of information to Divisional Canal Officer [Sections 28, 29 and 30].

- The Sub-Divisional Canal Officer shall within a period of seventy two hours of the receipt of any information by him that the water supplied through a canal is being used in an unauthorised manner under Section 28 or is suffered to run to water under Section 29, inform the Divisional Canal Officer, empowered under sub-section (2) of Section 30, in writing giving the date, time and place of such use or waste of water and all other information relevant thereto. The Sub-Divisional Canal Officer shall simultaneously direct his subordinates to make preliminary investigation and measurement of the area for the preparation of special charges case. The Sub-Divisional Canal Officer shall also serve a notice to the persons chargeable with special rate.(2)The Divisional Canal Officer shall on receipt of the special charges case, institute a summary inquiry for determining, if possible the persons responsible for the unauthorised use or waste of water and thereafter proceed to determine under Section 28 or Section 29, as the case may be, the charges to be levied and the persons against whom such charges are to be levied. The Divisional Canal Officer shall give to the parties concerned due notice of date, time and place of hearing in such enquiry in the manner prescribed under rule 96. In case of failure of any of the persons to attend in spite of service of notice, the Divisional Canal Officer shall take ex parte proceedings and give his decision after recording such evidence as may be produced or such further evidence as he may deemed necessary.

26. Appeal [Section 30].

- An appeal against the decision made under rule 25 shall lie to the Collector of the District.

Part V – Of Water Rates

27. Water rate for Irrigation. [Section 31(1)].

- The charge for the use of water shall, subject to the rules hereafter appearing, be made on the area irrigated at rates specified in the Schedule of water Rates.

28. Water rate for fodder crops. [Section 31(1)].

- For water used for growing of fodder crops on any irrigated area, in excess of twenty per cent of the net cropped area of the occupier, the rate to be charged for the excess area leviable according to the rates specified in the Schedule of water rates shall be increased by :-(a)twenty-five per cent if the irrigated area is situated within the limits of a notified area or within a distance of eight kilometres on all sides of the outer boundary thereof;(b)fifty per cent, if the irrigated area is situated within the limits of a municipality of the second class or within a distance of eight kilometres on all sides of the outer boundary thereof; and(c)one hundred per cent, if the irrigated area is situated within the limits of a municipality of the first class or cantonment or within a distance of eight kilometres, on all sides of the outer boundary thereof.

29. Water rate for preliminary waterings (Paleva) when no crop is sown. [Section 31(1)].

- When a field receives preliminary watering and afterwards no crop is sown in the same as well as in the succeeding harvest, the lowest rate for 'lift' or 'flow' given in the Schedule of Water rates, as the case may be, shall be charged.

30. Water rate for preliminary watering when crops is sown. [Section 31(1)].

- When a field receives preliminary watering and afterwards a crop is sown, there shall be payable in respect of that watering the full rate specified in the Schedule of Water rates as the rate to be charged for canal water supplied for the irrigation of the crop :Provided that if the State Government specifies a special rate to be charged for a single watering followed by a crop on land irrigated from a channel or outlet named by it, the rate to be charged for watering shall be such special rate and not the full rate.

31. Water rate for mixed crops. [Section 31].

- (1)The water rate in respect of any area on which mixed crops are sown, shall be assessed at the

highest rate specified in the schedule of water rates in respect of any of the mixed crops :Provided that if each of the mixed crops is less than five per cent of the main crop, the water rate shall be assessed at the rate leviable in respect of the main crop.(2)Crops sown separately in the same field shall be treated as mixed crops unless the division between them has been clearly marked by a well defined ridge (Watt.)

32. Water rate on fields re-sown. [Section 31(1)].

- When the original crop sown in a canal irrigated field fails and is ploughed up without depriving any benefit therefrom, and a fresh crop is sown in the same seasons, the water rate to be levied shall be on the crop which comes to maturity.

33. Water rate for fields partly irrigated. [Section 31].

- If only a portion of field is irrigated, the water rate shall be chargeable on the whole field, unless such portion has been clearly demarcated by a well defined ridge (Watt.)

34. Water rate on fields partly irrigated from canal, partly from wells or other sources. [Section 30(1)].

- When a portion of a field has been irrigated with canal water and portion with water from a well or any other source the whole field will be treated as irrigated with canal water, unless a clearly distinguishable boundary demarcated by a well defined ridge (Watt.) exists between the two portions. Where such a boundary exists enquiry will be made whether the use of water from a well or any other source was owing to deficiency in the supply of canal water in which case the water-rate on the portion irrigated by canal shall be reduced to lift rates.

35. Use of canal water course for conveyance of water from well or any other source. [Section 31(1)].

- If water from a well or any other source is conveyed through a canal water course in the same season, the whole of the irrigation through that canal water course during such season shall be treated as irrigation from the canal.

36. Water rate for permanent irrigation from escape channels. [Section 31(1)].

- Irrigation from escape channels, when the supply is permanent, shall for the purpose of assessing water rate, be treated as irrigation from a canal :-Provided that the irrigation from such escape channels, when supply is intermittent, may be allowed at such reduced rates as may be fixed by the State Government.

37. Water rate for irrigation from natural drainage channel or reservoir used as escape. [Section 31(1)].

(1)When a natural drainage channel or reservoir, not being a part of the canal, is used as an escape channel at the request of persons desirous of irrigation from it, the same water rate shall be chargeable for irrigation from it as for irrigation from an escape channel :-Provided that the area, if any, irrigated from it previous to the introduction of canal water shall not be liable to water rate.(2)The extent of area referred to in sub-rule (1) shall be determined by the Collector of the district. In all cases in which, water is supplied under this rule, a written contract, setting forth the terms of supply of water shall be executed by the Divisional Canal Officer.[37A. Water rate on hourly basis. - Notwithstanding anything contained in these rules, the State Government may, by notification determine and charge the water waters on hourly basis in respect of any canal.] [See Ist Amendment Rules 1977.]

38. Schedule of rates to be accessible to villages. [Sections 31 and 65(2)(f)].

- The Irrigation Booking Clerk of every village irrigated by canal shall display a statement in Hindi showing the rates of assessment in the Chaupal, Panchayat Ghar or in a conspicuous place in the village.

39. Who to be deemed occupiers. [Section 31(2)].

- For the purpose of section 31, the following persons shall be deemed to be occupiers, namely :- (a) where the land is in the actual cultivating occupancy of a land owner, such land owner; (b) where the land is in the actual cultivating occupancy of a tenant or sub-tenant, and the rent is not paid through a contractor, the landlord and such tenant or sub-tenant; (c) where the land is in the actual cultivating occupancy of a tenant or sub-tenant but the rent is paid through a contractor, the landlord and the contractor and such tenant and sub-tenant; (d) where the land is in the actual cultivating occupancy of a mortgagee holding from a landlord or tenant or sub-tenant such mortgagee and the mortgagor.(2) In the cases referred to in clauses (b), (c) and (d) of sub-rule (1) :- (a) the landlord, tenant and sub-tenant; or (b) the landlord, contractor, tenant and sub-tenant; or (c) the mortgagee and mortgagor, as the case may be, shall be jointly and severally liable for the payment of the water rate. The expressions, "Land-owner", "landlord" and tenant in this rule shall have the meanings respectively assigned to them in the Punjab Land Revenue Act, 1887, and the Punjab Tenancy Act, 1887.

40. Right to represent. [Section 65].

- A representation against any charge made under rules 28 to 39 may be made to the Commissioner within a period of thirty days of the order.

41. Recording of irrigation of re-assessment of water rate. [Sections 31 and 65(2)(c)].

- The Irrigation Booking Clerk shall record in a register (Khasra Nehri) the field number, names of owner and cultivator, area irrigated and crop sown and other relevant information.

42. Assessment and realisation of water rate. [Sections 31 and 65(2)(c)].

- The amount of water rate to be realised shall be determined and apportioned by the Divisional Canal Officer. The amount so determined shall be shown in a demand Statement (Khatauni) and the same shall be realised by the Collector).

43. Demand statement (Khatauni) to be accessible to villagers. [Section 65].

- The demand statement (Khatauni) with the Patwari of the village shall be open to inspection by the persons who are liable to pay water charges.

44. Distribution of demand slips (Parchas) [Sections 31 and 65(2)(c)].

(1)As soon as the demand statement (Khatauni) in respect of a village under the charge of the Irrigation Booking Clerk is complete, he shall prepare demand slips and inform the Lambardars of the village, the dates on which the same will be distributed in the village. The Lambardars shall call upon the irrigators to attend and receive demand slips from the Irrigation Booking Clerk. Undistributed demand slips shall be entrusted to the Lambardars of the village. The Irrigation Booking Clerk shall in every case endorse the date of distribution on the demand slips. The Irrigation Booking Clerk shall deliver the demand slips to the Irrigators and Lambardars concerned within ten days of the completion of demand statements of the Halqa.(2)The Zilledar shall exercise a check over the proper distribution of the demand slips by the Irrigation Booking Clerk and Lambardars. All the Lambardars in Zilledar's section shall return the acknowledgement of the cultivators for fee receipt of demand slips within seven days of the receipt of demand slips by them from the Irrigation Booking Clerk. The Zilledar on receipt report form the Irrigation Booking Clerk shall prepare a list showing the names of Lambardar who failed to distribute the demand slips to the cultivators within the prescribed period and shall submit the same for appropriate orders of the Divisional Canal Officer.

45. Filing of objections in respect of entries relating to Khasra Nehri and Khatauni. [Sections 31 and 65(2)(f)]

- If a cultivator desires to contest the correctness of the entries relating to him in the deemed statement or Khasra Nehri whether as to the fact of the land having been irrigated or of its being charged 'flows' or 'lift' or as to the measurement and entries of crop or class or amount, he must file an objection before the Divisional Canal Officer or Deputy Collector, or Zilledar, within twenty-one days of the date on which the demand slips were distributed on completion of the demand statement

of the village, he has been charged without having done any irrigation from the canal during the harvest under assessment or if no demand slips has been delivered either to him or to the Lambardar within ten days of the date on which he first becomes acquainted with the claim against him and the claim shall be investigated on the spot within fifteen days of filing the objection and shall be promptly decided. On an objection being filed before a Zileadar he will immediately make local enquiry and report the circumstances of the case to the Divisional Canal Officer for orders. The order of the Divisional and Sub-Divisional Canal Officer or Deputy Commissioner in such cases shall forthwith be communicated to the objector and shall be subject to appeal to the Commissioner.

46. Method of dealing with alterations in the demands. [Sections 31 and 65(2)(f)].

- If after delivering the demand slip any addition made to the demand or any reduction is allowed on a claim under rule 23 or representation under rule 40 or by way of remission under clause (2) of Section 27 or otherwise, such addition or deduction shall be communicated to the cultivator by means of supplementary demand slips. Demand shall be shown in black letters and remissions in red letters. All such alterations as are made before the despatch of the khatauni to the Collector shall be included therein, and shall also be written on slips in black for additions and in red for deductions and attached to the Khatauni. Alterations made after the despatch of the Khatauni shall be communicated to the Collector by means of similar slips.

47. Objections to demand. [Sections 31 and 65(2)(f)].

- Objections to the demand made before the Collector shall be referred by him to the Divisional Canal Officer, the Collector shall not suspend the collection except on the receipt of an intimation from the Divisional Canal Officer that an objection has been admitted by him.

48. Filing of objection by Lambardar, etc. [Sections 31, 36, 37 and 65(2)(f)].

- When a Lambardar or other person is responsible under Section 36 or Section 37 for the payment of the water rate in a village or any part thereof complaints under these rules may be lodged by such Lambardar or by other person instead of by the cultivator and any refund that may be necessary in consequence of the order passed upon objection so lodged, shall be paid by the Collector to such Lambardar or other person on behalf of the cultivators concerned.

49. Charge for tubewell irrigation. [Sections 26 and 65(2)(f)].

- Notwithstanding anything contained in the foregoing rules, the charge for the use of water supplied from a State tubewell shall be at such rate as the State Government may from time to time by notification, specify.

50. Payment of remuneration for collection of canal dues. [Section 37(3)].

(1)The remuneration of Lambardars or other persons collecting from cultivators, shall be three per cent of the amount collected on account of water rate on the condition that the full amount due has been paid for each estate by the date fixed by the Financial Commissioner and that the Lambardar has performed his duty connected with the assessment such as personal attendance or deputation of a proper substitute at the time of measurement and correct report of irrigation.(2)The remuneration to Lambardar or other persons collecting from cultivators, shall be one per cent of the amount collected on account of charges for the tubewell irrigation, on the condition that full amount has been paid for each estate by the dates fixed by the Financial Commissioner and that the Lambardar has performed his duty connected with the collection such as distribution of demand slips, realisation of the amount and depositing the same into the treasury.(3)The remuneration to Lambardars or other persons collecting from cultivators, shall be one per cent of the amount collected on account of instalment charges for the cost of lining of watercourses to be recovered from cultivators, on the condition that full amount has been paid for each estate by the dates fixed by the Financial Commissioner and that the Lambardar has performed his duty connected with the collection such as distribution of demand slips, realisation of the amount and depositing the same into the treasury :Provided that it shall be at the discretion of the Collector or Divisional Canal Officer, as the case may be, subject to appeal under rule 51 to withhold the whole or part of the remuneration prescribed in this rule, in the event of conditions not being complied with.

51. Appeal against reduction in remuneration. [Section 65(2)(f)].

- An appeal against the order made under the proviso to sub-rule (3) of Rule 50 shall lie to the Commissioner if the order is passed by the Collector and the Superintending Canal Officer if the order is passed by the Divisional Canal Officer.

52. Receipts for water rate. [Section 65(2)(f)].

- The Lambardar or other person authorised to make collection of water rates shall issue receipt to each cultivator on payment of water rate by the later.

Part VI – Navigation

53. Charges of navigation [Section 39].

- When a canal is declared by the State Government open for navigation, charges on boats and rafts plying thereon shall be levied at such rates as may be determined by the Divisional Canal Officer from time to time and published by notification in the Official Gazette.

54. Ferry and steamboats. [Section 39].

- Ferry and steamboats shall not be permitted to ply on the canal except under written licences in forms II and III respectively from the Divisional Canal Officer, and shall be subject to conditions laid down therein. An appeal against an order revoking such licences may be preferred within a period of fifteen days to the Superintending Canal Officer whose order shall be final.

55. Measurement [Section 39].

- Every boat or raft entering a canal shall be liable to measurement for the purpose of ascertaining the charges, the boat or raft shall pay, according to the Schedule of rates in force from time to time.

56. Number. [Section 39].

- Every boat, at the time of first measurement shall be given a serial number by which it shall be distinguished while plying on the canal. The number shall be fixed on the part of left hand bow of the boat and shall not be less than twenty centimetres in height and shall be of such a colour as to be easily distinguishable at a distance of 100 metres.

57. Ticket [Section 39].

- Every boat on entering a canal shall be furnished with a ticket in form IV, which shall specify the number of the boat, the date on which it entered the canal, the name of the owner of the boat, his occupation and place of abode, and the name of the person incharge of the boat. Upon leaving the canal the Divisional Canal Officer shall write on the ticket, the date of leaving and shall return the ticket to the person in charge of the boat.

58. Dimension. [Section 39].

- No boat above 4.50 metres beam overall shall be allowed in a canal on which the locks are 5 metres in width and no boat above 5.50 metres beam overall in a canal on which the locks are 6 metres in width. No raft of more than 4.50 metres in width and 27 metres in length shall be allowed on any canal the locks of which are 5 metres and no raft of more than 5.50 metres width and 30 metres in length will be allowed in a canal, the locks of which are 6 metres in width.

59. Charges when payable. [Section 39].

- The charges on boats are payable in advance and no boat shall be allowed to leave any canal on which it is plying until all the charges have been duly paid. The officer granting permission for the boats removal shall sign the certificate at the foot of the ticket given under rule 57 after satisfying himself that all charges in respect of the boat have been paid.

60. Receipt for charges. [Section 39].

- The charges may be paid either to the Divisional Canal Officer or to the person appointed by him (hereinafter called the agent), at any of the station, and a receipt in form V shall be granted for the same.

61. Pass to be shown when required. [Section 39].

- It shall be obligatory on the person incharge of a boat to show the ticket granted under rule 56 when called upon to do so by the Divisional Canal Officer or the agent.

62. Boat or raft to be navigated by two persons. [Section 39].

- No boat or raft shall be navigated by less than two adult persons in any canal except from Dadupur to the Jagadhri Timber Depot in the Western Jamuna Canal wherein rafts whose length do not exceed 17 metres may be navigated by one adult persons per raft.

63. Pass for raft. [Section 39].

- Passes in form VI shall be granted to persons wishing to float rafts down a canal upon application to the Divisional Canal Officer, or the nearest agent. No raft not provided with a pass shall enter a canal.

64. Removal of rafts from canal. [Section 39].

- On reaching the destination specified in the pass, the person incharge of rafts shall, within two days, deliver the said pass to the local agent who, if the canal and other vessels therein are in good order, shall authorise removal of the raft, which shall be done within five days from the time of permission being granted unless written authority to defer removal be given by the agent.

65. Divisional Canal Officer empowered to remove rafts. [Section 39].

- Rafts not removed within the time specified in rule 64 and rafts found unattended may be taken out of the water by the Divisional Canal Officer or his agent.

66. Rafts without passes. [Section 39]

- Any raft not provided with a pass found in a canal may be charged at double the rate reckoned on the distance from the head of the canal to the place where rafts shall be removed from the canal.

67. Double rates to be charged for excess quantity shown in pass [Section 39].

- Double rates shall be leviable on all articles in excess of the quantity of each kind specified in the pass granted under Rule 63.

68. Removal of rafts lodging against canal works. [Section 39].

- Every person floating a raft in a canal shall so navigate it that it shall not lodge against any canal works and if any raft so lodges or causes obstruction, it shall at once be broken and removed by any Canal Officer on the spot.

69. Masts. [Section 39].

- Boats must have their masts so that can be let down with ease and speed and no mast shall be so high as to strike or scrap any bridge under which the boat may pass.

70. Boats and rafts to be fastened. [Section 39].

- Every boat or raft which is brought along side a canal bank or wharf must be securely fastened from its front and rear to the bank or wharf. No boat or rafts can be brought outside or moored without the permission of the Divisional Canal Officer.

71. Boats and rafts to be moored so as not to obstruct traffic. [Section 39].

- No boat or raft shall be placed in such a position as to endanger the safety of other boats, or rafts, or to obstruct their passage or to impede navigation and no bamboos or poles shall be allowed to be erected or to remain erected or vessels moored to the bank.

72. Every boat or raft to be manned. [Section 39].

- Every boat and raft floated on a canal shall at all times have person in attendance on board.

73. Wrecks. [Section 39].

- In every case of a wreck or obstruction of a canal by a sunken or partially sunken boat or raft, the Divisional Canal Officer may call upon the owner or person incharge to remove the same without delay. If the owner or the person incharge does not remove or refuses to remove the wreck or obstruction or if he does not within 48 hours commence to remove the wreck or obstruction then the Divisional Canal Officer may undertake the removal under Section 39.

74. Banks or berms not to be used as wharves. [Section 39].

- The banks or berms of the canal shall not be used as wharves for the deposit of goods, except with the permission of the Divisional Canal Officer.

75. Goods to be removed from canal lands. [Section 39].

- All goods shall be removed from canal lands within seven days unless the written permission of the Divisional Canal Officer to their remaining for a longer period is obtained. All goods deposited on canal lands shall be properly stacked and so placed as not to interfere with other traffic. In the event of such goods not being removed when required, they shall be charged at the rate of two rupees per 100 quintals per day. When goods are susceptible of being reckoned by weight or a proportionate charge shall be determined by the Divisional Canal Officer when the goods are reckoned by number. Nothing contained herein shall apply to canal warehouses.

76. Boats or rafts liable to be examined. [Section 39].

- Any boat or raft plying on a canal may be examined by any Canal Officer not below the rank of a Sub-Divisional Canal Officer, or by any agent provided that there is reason to believe that the owner or the person incharge thereof is attempting to evade the provisions of the Act and these rules.

77. Canal closures. [Section 39].

- Any canal may be closed once a year for the executing of works on one month's notice published in the Official Gazette of the intention as to close it. Any canal may also be closed at any time without notice in the event of any sudden emergency, and no claim for compensation for unavoidable detention resulting from such closure, or from the depth of water being at any time unavoidable reduced in the canal or from the failures or any weir, lock bridge or other works in the canal bed shall be made by any owner or person incharge of any boat or raft navigating the canal. The fact of an emergent closure having been authorised shall be notified in the Official Gazette, whenever the duration of such closure is likely to exceed or shall have exceeded, three days.

Part VII – Of drainage

78. Mode of publication of schemes for drainage works. [Section 48].

- A scheme for drainage works under Section 48 shall be published in the Official Gazette together with an estimate of its cost and statement of the proportion of such cost which the State Government proposes to defray, and a schedule of the lands; which it is proposed to make chargeable in respect of the scheme and translation thereof in Hindi shall be posted : (a) at the office of the Deputy Commissioner and Divisional Canal Officer; (b) at conspicuous places in the locality affected by the scheme, such as Tehsils and Thanas, etc. and shall also be published by beat of drums or in any other customary manner.

79. Cost of drainage works. [Section 48].

- The term "cost" in Section 48 shall be deemed to mean the total charges of construction of the drainage works and shall include the cost of land, if any, acquired for the drainage works, departmental charges, and such other charges as may be ordered by the State Government in accordance with its financial rules.

80. Calculation of costs. [Section 50].

- The portion of the cost to be recovered from the owners of lands benefited by the scheme, shall be worked out on the lands of the area served under the scheme in the following manner :-

(i)	Total cost of the scheme	..A
(ii)	Amount recoverable from the owners (total cost of the scheme less the portion that the State Government proposes to defray)	..B
(iii)	Total area that will be served under the scheme	..C
(iv)	Rate per acre of the areas served under the scheme	..D
(v)	Area benefited in a village	..V
(vi)	Total recovery from the village	..VxD
(vii)	Total land holding tax of the village	..R
(viii)	Amount recoverable per rupee of holding tax from the village	VxD/R1
(ix)	Land holding tax paid by a landowner	..R1
(x)	Amount recoverable from the landowner	..VxDxR1

81. Option of landowner for mode of payment. [Section 50].

(1) On publication of the scheme for drainage works, the Divisional Canal Officer shall publish a notice in the village affected thereby that the owners of lands chargeable in respect of the scheme should intimate to him, in writing, within a period of fifteen days of the date of such publication, their option with regard to the manner of payment of cost. (2) If no intimation regarding manner of payment or an objection under sub-rule (1) is received by the Divisional Canal Officer, from any landowner within the period prescribed, it shall be presumed that he proposes to contribute in cash.

82. Disposal of objections as to ownership of lands in respect of which cost is payable. [Section 50].

- Any aggrieved landowner may present a petition, in writing, to Divisional Canal Officer, within a period of fifteen days of the publication of notice under rule 81 stating his objections. The Divisional Canal Officer shall after giving him an opportunity to support his objection and after such verification, as may be necessary, confirm, vary or cancel the assessment of cost against him.

83. Conditions for surrender of land in lieu of cost. [Section 50].

(1) Surrender of land by any landowner in lieu or part payment of the cost shall be acceptable only if the area to be surrendered is free from all encumbrances and comes within the area to be acquired by the State Government or the execution of the scheme concerned. (2) Where land is given by the owner, due credit for the cost of such lands will be given to the recoveries of the cost to be recovered from the landowners.

84. Evaluation of land offered for surrender in lieu of drainage charges. [Section 50].

- The value of land surrendered in lieu of the cost will be determined as per rules laid down in Financial Commissioner's Standing Order No. 28 by the Collector.

85. Apportionment of dues among joint ownership. [Section 50].

- If any land in respect of which the cost is to be recovered, is owned by more than one person, the Divisional Canal Officer, on receipt of application from any one of the owners will distribute the total amongst all owners according to their shares in the said lands as per revenue records.

86. Conditions for offer of labour in lieu of cost. [Section 50].

- The offer of labour made by any landowner in lieu of full or part payment of cost shall be accepted if the labour is to be performed only by able-bodied adult males between the ages of 18 and 55 years and shall be subject to the following conditions, namely :-(i) the landowner who offers to contribute in labour will inform the Divisional Canal Officer or Sub-Divisional Canal Officer concerned, of the quantum of labour that he would supply, and the Divisional Canal Officer or the Sub-Divisional Canal Officer will intimate to the Tehsildar, through the Collector, that corresponding recoveries be held in abeyance; (ii) the quantum of labour will be supplied in the digging of the drain in question which the Divisional Canal Officer or the Sub-Divisional Canal Officer will allocate the reach in which he will accept the labour; (iii) the period for which recovery will be held in abeyance will be the period specified for the digging of the drain and will be fixed by the Divisional Canal Officer in each case. (iv) The Divisional Canal Officer or Sub-Divisional Canal Officer will communicate, at the expiry of the period, to the Tehsildar, through the Collector, the remission to be granted to each owner for contribution by way of labour.

87. Rate of labour offered by landowner. [Section 50].

- The rate of labour offered by a land owner in lieu of payment of the cost will be the rate for the time being paid by the State Government in the neighbourhood for similar works.

88. Distribution of demand slips. [Sections 50 and 65(2)(f)].

- As soon as the demand statements in respect of cost of drainage works for any village are completed, the copies of demand slips meant for assesseees will be sent to the Irrigation Booking Clerk or a Civil Patwari through the Collector. The Irrigation Booking Clerk or Patwari will deliver those slips to Lambardars concerned within a period of five days of their receipt by him. Lambardars will distribute them among assesseees or, if they are not available, to their recognised agents or an adult male member of the family of an assessee within a period of seven days of receipt of the demand slips from Irrigation Booking Clerk or Patwari. The acknowledgements of assessee for demand slips shall be delivered by Lambardars to the Irrigation Booking Clerk or Patwari within seven days of their receipt from Irrigation booking Clerk or Patwari. On failure of Lambardars to submit the acknowledgement of assesseees, the Zildar or Tehsildar, as the case may be, shall prepare the list of defaulting Lambardars and shall submit the same for appropriate orders of the Divisional Canal Officer.

89. Submission of demand statements to tehsils. [Sections 50 and 65(2)(f)].

- One copy of the demand statement for each village shall be sent to the tehsil concerned through the Collector for recovery. The Divisional Canal Officer may lay down if recovery is to be made in one or more instalments.

90. Procedure for recoveries. [Sections 50 and 65(2)(f)].

- Any amount due from an assess under a notice of demand for cost of drainage works shall on demand be payable to the Lambardars concerned. The procedure for recovery will be the same as followed in the case of recovery of land revenue and water rates.

91. Objections by landowners to amount of cost shown in demand statements and their disposal. [Sections 50 and 65(2)(f)].

- Any owner may present his objections against the amount of cost shown in the demand statement to the Divisional Canal Officer concerned within a period of fifteen days of the date of receipt of the demand slip by him, or his agent or any adult male member of his family.

Part VIII – Of jurisdiction

92. Application for distribution of water (warabandi). [Section 55(1)].

- An application under sub-section (2) of Section 55 shall be in form VII and shall be presented in duplicate and shall be stamped in accordance with law in force relating to court fees.

93. General prohibition. [Sections 65(2)(f)].

- No person employed on a canal shall, without previous sanction obtained from the Divisional Canal Officer, have any interest in the distribution or use of water from the said canal, or purchase, or bid for any government property sold thereon either in his own name, or in the name of another or jointly, or in share, with other.

94. Proceeding to be taken in summary manner. [Sections 65(2)(f)].

- All proceedings under Sections 7, 8, 13, 14, 16, 17, 21, 24, 27, 28, 29, 30, 52, 53, 55 and 59 shall be taken in a summary manner and any officer, who is required or empowered to take action in any matter under any of these sections shall unless for reasons to be recorded in writing by him it is not practicable to do so, decide such matter within a period of four months. A brief memorandum of evidence produced in such proceedings shall be prepared by the officer hearing them.

95. Application to be in duplicate. [Sections 65(2)(f)].

- All applications made under Sections referred to in the preceding rule shall be submitted to the officer concerned in duplicate who may, while calling for a report from the subordinate officer forward the duplicate copy to that officer immediately retaining the original for his own record. When a report is called from the subordinate officer, the case shall be adjourned to a date fixed for the purpose and the applicant shall be informed of the date so fixed.

96. Service of summons and notices and publication of notices, proclamations. etc. (Section 57).

(1) Every summons, notice, order, requisition or proclamation under the Act or these rules which is required to be served on issued, delivered or communicated to any person or published for general information, shall be so served, issued, delivered or communicated to any person or published for general information, as the case may be, as hereinafter provided. (2) Every such summons, notice, order, requisition or proclamation shall be drawn up in writing and dated and signed by the officer having authority to issue or make the same. (3) Every public notice or proclamation shall be issued or made by posting certified copies thereof :-(a) at the office of the officer giving or making the same in such manner that such notice shall be assessible to the public; (b) at convenient places in the locality or near the residence of the persons affected thereby, and by beat of drum or oral proclamation or other customary method. (4) Every summons, notice, order or requisition which is required to be served on or delivered or communicated to any person shall, whenever possible, be so served or delivered or communicated :-(a) personally on or to the person to whom it is addressed, or failing him; (b) on or to his recognised agent, or failing such agent; (c) on or to an adult male member of his family usually residing with him. (5) When the serving officer delivers or tenders summons, notice, order or requisition which is required to be served on, delivered or communicated to any person personally, or to an agent or other person on his behalf, he shall require the signatures of the person to whom the summons, notice, order or requisition, as the case may be, is so delivered or tendered

to an acknowledgement of service endorsed on the copy of such summons, notice, order or requisition.(6)The serving officer shall in all cases in which the summons, notice, order or requisition has been served under this rule, endorse on the duplicate copy thereof a memorandum signed by him stating the time when and the manner in which such summons, notice, order or requisition was served and return such copy to the officer having authority to issue or make the same.(7)If service, delivery or communication cannot be effected or if acceptance of service, delivery or communication is refused, the summons, notice, order or requisition may be served, delivered or communicated by posting a copy thereof, at the usual or last known place of residence of the person to whom it is addressed, or if that cannot be done, then in such other manner as the officer authorised to issue or make the same may specifically direct.(8)If the summons, notice, order or requisition relates to a case in which persons having the same interest are so numerous that personal service on each one of them is not reasonably practicable, it may be served, delivered or communicated by delivery of a copy thereof to such of these persons as the officer authorised, to issue or make the same specially nominates in this behalf and by proclamation of the contents thereof for the information of the other persons interested.(9)A summons, notice, order or requisition may be served on or delivered or communicated to the person named therein, either in addition to, or in substitution for, any other mode of service by forwarding the summons, notice, order or requisition by post in a registered letter addressed to that person.(10)When a summons, notice, order or requisition is so forwarded in a letter and it is proved that the letter was properly addressed and duly posted and registered the officer authorised to issue or make the same may presume that the summons was served at the time when the letter would be delivered in the ordinary course of post.(11)In every case in which service of any process is not effected personally the officer authorised to issue the same shall satisfy himself by examining the process server or otherwise, that such service has been duly effected in the manner required by these rules.

Part IX – Of offences and penalties

97. Passing on or crossing canals, etc. [Section 58(1)].

- No person, without the permission in writing of the Divisional Canal Officer shall pass, or shall cause any animal or vehicle to pass, on or across any of the roads, work, banks or channels of a canal, or drainage work after he has been desired to desist therefrom except upon such bridges, ferries and ferries, and their approaches, as are provided for such traffic by the Divisional Canal Officer.

Part X – Miscellaneous

98. Power to sanction water allowance. [Section 62(2)(a)].

- In the absence of specified delegation, no officer shall authorise any change in the water allowance sanctioned by the Government.

99. Construction of new channels. [Section 65(2)(b)].

- No new Government irrigation channel shall be constructed in the area already under irrigation without the prior approval of Chief Canal Officer.

100. Abandonment and extension of Government irrigation channels. [Section 65(2)(b)].

- No Government irrigation channel shall be abandoned or extended without the prior approval of Chief Canal Officer.

101. Change in irrigation boundaries. [Section 65(2)(f)].

- No change shall be made in the irrigation boundary of a canal project without the prior sanction of the Chief Canal Officer, irrespective of whether the change refers to the exclusion of an area already included within the irrigation boundary or to the inclusion of a new area.

102. Court. [Section 65(2)(f)].

- The expression "court" used in this part means the officer to whom in the particular case an appeal may be preferred under the provisions of the Act or these rules.

103. No appeal except when expressly given. [Section 65(2)(f)].

- No appeal shall lie from any decision or order given or made except when the same is expressly allowed by the Act or these rules.

104. Limitation. [Section 65(2)(f)].

(1)The period within which an appeal may be filed shall be thirty days, unless any other period is expressly provided by the Act or these rules, but any appeal may be admitted after the prescribed period when the applicant satisfies the Court that he had sufficient cause for not presenting the appeal within that period.(2)If the prescribed period expires on a day when the Court is closed the appeal may be presented on the day the Court reopens.(3)The prescribed period shall be calculated from the date of decision or order appealed from and in computing such period, the day when the decision or order was made and the time required for obtaining a copy of the decision or order appealed against shall be excluded.

105. Form of appeal [Section 65(2)(f)].

- The application for admission of an appeal shall be stamped in accordance with the law in force relating to court fees and shall be accompanied by a copy of decision or order appealed against and shall state concisely the grounds upon which the appeal is preferred.

106. When appeal may be summarily rejected. [Section 65(2)(f)].

- The application may be rejected if, upon perusal of the grounds of appeal and the copy of the decision or order appealed against it appears to the court unnecessary to proceed in the matter.

107. Procedure for admission of appeal. [Section 65(2)(f)]

- If an application is granted an entry thereof shall be made in a register of appeals numbered consecutively and a day shall be fixed for the hearing of the appeal.

108. Notice of hearing. [Section 65(2)(f)].

- Notice of the date and place fixed for the hearing of the appeal shall be given to the applicant in such manner as the court may direct and to every other party to the case whose interest is opposed to that of the appellant in the manner hereinafter appearing.

109. Contents of notice. [Section 65(2)(f)].

- A written notice containing the name of the Court, the names of the parties, the date and place fixed for the hearing of the appeal, and such other particulars as the court may, by general or special order, direct, shall be issued in duplicate under the hand and seal of the Court.

110. Mode of service. [Section 65(2)(f)].

- All notices and processes issued in connection with appeals shall be served in the manner laid down by rule 96 in connection with the service of summons and notice generally.

111. Acknowledgment of personal service. [Section 65(2)(f)].

- When personal service is effected, the addressee shall be required to acknowledge the service by affixing his signatures, seal or mark on the back of the duplicate copy to be retained by the serving officer.

112. Memorandum by serving officer. [Section 65(2)(f)].

- The serving officer shall in every case endorse on the duplicate copy of a memo, signed by him, the date and mode of service, and return such copy to the Court which issued it.

113. Cost of service. [Section 65(2)(f)].

- The cost of serving any notice shall be borne in the first instance by the appellant and shall be paid to the proper officer of the court before such notice is issued. The charge made for service shall be in accordance with lowest civil process scale for the time being in force.

114. Adjournment [Section 65(2)(f)].

- The hearing may be adjourned, as the court may see fit by written order to direct, to any subsequent date and notice of such date shall be given to the parties in such manner as the court may direct.

115. Attendance or representation of parties not essential. [Section 65(2)(f)].

- The attendance of the parties, in person or by representative shall not be necessary at the hearing of any petition or appeal, but any party so attending shall be entitled to be heard.

116. Court to be satisfied before hearing that notice has been received by parties. [Section 65(2)(f)].

- The Court shall not proceed to hear any appeal unless and until it is satisfied that notice of the date and place fixed for such hearing has been received by the parties concerned in sufficient time to permit them to appear or to be represented at such hearing :-Provided that the court may presume that notice has been received when a written notice has been served in any of the ways prescribed in rule 96 :Provided further that an appeal may be heard and decided notwithstanding the absence of any party who is shown to the satisfaction of the court to be wilfully evading service of notice.

117. Procedure on hearing [Section 65(2)(f)].

- The Court before giving a decision shall record in writing which of the parties to the appeal are present in person or by representative, at the hearing thereof.(2)The court, if it thinks that further enquiry is necessary, may conduct such enquiry itself, and in such a case shall be deemed to be an officer with the power described in Section 57.(3)When the hearing of the appeal is concluded, the decision or order of the Court, shall when practicable, be pronounced forthwith and shall be in writing and signed by the Court and the substance thereof shall be explained to such of the parties or their representatives as are present when the decision or order is given or passed.(4)A copy of the decision or order shall be transmitted by the Court to the officer against whose decision or order the appeal was preferred.

118. Supply of copies. [Section 65(2)(f)].

- A copy of the decision or order of the Court in English or Hindi shall be granted to any person who applies for the same on payment of the proper Court fee and copying charges.

119. Rehearing. [Section 65(2)(f)].

- If any party, against whom an order or decision is made or given upon an appeal heard in his absence, shall, within thirty days, from the date of such order or decision, satisfy the court that he had received no notice of the time and place fixed for the hearing thereof or had not received such

notice in sufficient time to permit to appear and that he did not wilfully evade service thereof, the court may pass an order if it thinks such order requisite for the ends of the justice and not otherwise upon such terms as appear just, setting aside its previous decision or order and grant a rehearing which shall be subject to the same rules as the hearing of an appeal.

120. Finality of orders and decisions of appellate Court. [Section 65(2)(f)].

- Except as otherwise provided in the Act or these rules, the order or decision passed in any appeal shall be final.

121. Scope of rules. [Section 65(2)(f)].

(1) Nothing contained in these rules shall apply to the hearing of an appeal from any decision or order in a criminal case under the Act. (2) Except as provided in rule 9, no person shall be entitled to be heard in person or by representative before the Superintending Canal Officer, Commissioner, or other higher authority to whom under the provision of the Act or these rule, any matter is submitted or referred for sanction, approval or decision. Nothing in this rule shall preclude the persons concerned from submitting for the consideration of any such officer or authority, petitions relating to any matter so submitted or referred.

122. Inspection of record [Section 65(2)(f)].

(1) Records relating to proceeding before any officer competent to decide a case under the Act or these rules shall be open to inspection by the persons interested therein or their counsel, as the case may be. (2) Inspection of the general file maintaining record of executive proceedings including notes and reports by the subordinate officer is not permitted. (3) The inspection of the pending as well as the decided cases will be subject to the control of the officer in whose charge the file may be at the time of making the application for inspection. (4) The application for inspection of record shall be made in writing to the officer concerned specifying the record the inspection of which is desired. (5) The application for inspection of records shall bear a Court fee stamp of three rupees, in addition to the amount of inspection fee specified hereinafter. (6) The inspection fee shall be two rupees for each hour or part of an hour for ordinary and four rupees for each hour or part of an hour for urgent inspection on date of the hearing. (7) The fee shall be paid in court fee stamps, affixed to the original application, before the file is handed over to the applicant. The stamp affixed to the application shall be punched and cancelled immediately on receipt of the application. (8) If more time than is covered by the fee is taken in the inspection the balance shall be paid at the close of the inspection by affixing the additional stamps to the application. (9) A separate application shall be made and a separate fee paid for each record, the inspection of which is desired, unless the records are so closely connected that, in the opinion of the officer incharge of the records they may be regarded as one, in which case one application and one fee shall suffice. (10) The inspection of records shall be made at such time, in such a place and in the presence of such officials as the officer incharge of the records may direct. (11) No mark shall be made on any record or paper inspected. The copying of document or portion of the records in pen and ink is strictly prohibited, but pencil notes from the record may be made by the counsel. (12) A separate register shall be maintained in the

officer of the officer allowing inspection of the record for all applications received for inspection of record and the fees paid for their inspection.

123. Penalty. [Section 65(3)].

- Any person who commits the breach of rule 3 shall, on conviction, by a Magistrate, be punishable with a fine which may extend to five hundred rupees.

124. Repeal.

- The rules made under the Northern India Canal and Drainage Act, 1873, in force in the State of Haryana, immediately before the commencement of these rules shall stand repealed :-Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules. Form I (See Rule 5) Application for water Receipt ----- (Serial Number) Dated To The Divisional Canal Officer, Name of Division, Name of sub-Division. Name of Zilledari Section.

Serial Number	Information to be given by the applicant
1	Name with full address
2	Father's name
3	Name of village; tehsil and district to which the application relates
4	Name of channel
5	R.D. of outlet with side
6	Details of field numbers with area owned by the applicant and a plan of the area
7	Nature of a case, whether it is an alignment of water-course, restoration of a running/dismantled-watercourse
8	Reason in detail for submitting the application
Dated	Signature of the applicant

Acknowledgement Received application on _____ from Shri son of Shri _____ of village _____ and entered at Serial No, _____

purpose Signature of Receiving Clerk, Division (Name and address). Form II (See Rule 54) Licence for Ferry-Boat _____ Canal Position of ferry Dimensions of boat or raft Name of person to whom licence is granted Period for which licence is granted Charges leviable at ferry. Conditions This licence may be revoked without any compensation there by becoming claimable by the licensee if charges be levied in excess of those specified above, or if the boat be not maintained in proper working condition, or if delays or obstructions to travellers occur, or for other fault, which in the judgment of the Divisional Canal Officer demands it. Appeal against the orders of the Divisional Canal Officer shall lie to the Superintending Canal Officer. Station and Date. Divisional Canal Officer Division Canal Form III (See Rule 54) Licence of Steam Boat _____ Canal Number of boat Dimension of boat Name of licensee with father's name and place of abode Period for which licence is granted Conditions under which Licence is granted

- 1. Length not to exceed**
- 2. Beam not to exceed**
- 3. Draught loaded with full number of passengers and luggage not to exceed.**
- 4. Number of passengers not to exceed**
- 5. Number of crew not to be less than**
- 6. Lights to be carried**
- 7. The number of the boat is to be painted in large figures not less than 20 cm in height on both bow of the boat, distinguishable at a distance of 100 metres.**
- 8. This licence, or its copy is to be exhibited in a conspicuous portion on board of the boat.**
- 9. The boat may be stopped and inspected and the number of passengers on board counted at any time by any officer duly authorised for that purpose. If the conditions above laid down are not fully complied with such officer may refuse permission for the boat to proceed.**
- 10. If the above conditions are not fully complied with this licence may be removed by the Divisional Canal Officer, without any compensation becoming claimable by the licensee. Appeal against the order of the Divisional Canal Officer shall lie to the Superintending Canal Officer whose order shall be final.**

This boat was inspected by _____ on _____ and was declared to be in a safe condition and fit for passenger traffic on that date. Station _____ Divisional Canal Officer, Division _____ Canal _____ Dated _____ Form IV (See Rule 57) Ticket _____

No. Pass Ticket _____

Boat No. _____ Date of entry _____ Owner's name _____ Occupation _____ Residence or place of business _____ Name of person in charge _____ Measurement of boat _____ Estimated carrying capacity _____ Quintals. Charges paid from 19 _____ to 19 _____ Amount Rs. _____ Paise _____ By whom _____ issued _____ Navigation _____ Station _____ Date of leaving Canal _____ I hereby certify that all demands against boat No. _____ for tolls, right of way, damage to canal works, etc. etc.,

up to date have been satisfied. Navigation Agent. Form V (See Rule 60) Receipt

Irrigation Department/No. 19 Canal

Received from Rupees Being amount of toll on boat No.

From To

Irrigation Department, Canal

Incharge of Station Rs. Form VI (See Rule 63) Pass for Rafts

Irrigation Department. Canal

No. 19

From To

Distance K.M.

Description of rafts Dimensions Cubic contents Rates of toll Rs. Estimated value of rafts Rs. Name of owner Residence Name of person in charge

Date of entering canal (Signature)

Canal Station. Rs. Received at

of 19

Navigation Agent. Form VII (See Rule 92) Application for warabandi To The Deputy Collector Name of the Division Name of Sub-Division Name of Zilledari Section

Serial No. Information to be given by the applicant

- 1 Name with full address
- 2 Father's name
- 3 Name of village, tehsil and district to which the application relates
- 4 Name of channel
- 5 R.D. of outlet with side
- 6 Details of field numbers with area owned by the applicant and a plan of the area
- 7 Nature of a case, whether it is a amendment or new warabandi
- 8 Reason in detail for submitting the application

Dated Signature of the applicant

Acknowledgement Received application on _____ from Shri _____ son of Shri _____ of village _____ and entered at Serial No, _____ purpose Signature of Receiving Clerk, Division (Name and address).

of Water Rates

[See Rules 2(g) & 27] [Part I] [Substituted vide Haryana Notification dated 8.5.96.] A. Water rates for the purchases of Irrigation from all Canals except lower Chautang Nala Canal

Class	Crop	Rate per acre
Bhakra Canal including	Western Jamuna Canal, Gurgaon Canal,	per crop

Ghagghar and Sarawati Canals. Rewari, Jui, Ndira Gandhi Canal (now Loharu Canal), Briendra Naryana Chakravarti (Siwani) Canal and Jhajjar Lift Irrigation Schemes (JLN), [vide Government Notification No. 21/11/79-IW(4) dated 12th May, 1980.]

Flow	Lift maintained and operated by cultivators	Flow	Lift maintained and operated by cultivator			
1	2	3	4	5	6	7
		Rs.	Rs.	Rs.	Rs.	
1	Sugarcane (except on Kharif channels)	48.40	24.20	41.20	20.60	per crop
2	Sugarcane on Kharif channel	40.00	20.00	40.00	20.00	Do
3	Waternuts	40.00	20.00	40.00	20.00	Do
4	Rice	36.30	18.20	36.30	18.20	Do
5	Indigo and others dyes, tobacco, poppy, spices and drugs	30.50	15.20	30.30	15.20	Do
6	Cotton	30.30	15.20	30.30	15.20	Do
7	Gardens and orchards and vegetables except turnips	30.30	15.20	30.30	15.20	Garden and orchards per half Year the rest per crop
8	Barley and Oats (except on Kharif channels)	32.70	16.40	23.00	11.50	per crop
9	Wheat (except on Kharif channels)	30.30 15.20	21.80	10.90	Do	
10	Melon, Fibers (other than Cotton and all crops not otherwise specified)	27.90	14.00	27.90	14.00	per crop
11	Maize	24.20	12.10	24.20	12.10	Do
12	Oil Seeds (except Rabi oil seeds on Kharif channels)	24.20	12.10	24.20	12.10	Do
13	Oil Seeds Rabi Crops	32.70	16.40	23.00	11.50	Do
14	All Rabi Crops on Kharif channels (except wheat and	15.80	7.90	10.90	5.50	Do

	gram)					
15	Wheat and gram on Kharif channels	14.60	7.30	9.70	4.90	Do
16	Bajra, Masur and Pulses	24.20	12.10	17.00	8.50	Do
17	Gram	24.20	12.10	17.00	8.50	Do
18	Jawar Cheena, Grass and all Fodder crops specified in the table below including turnips	24.20	12.10	24.20	12.10	Do
19	Watering for ploughing not followed by a crop in the same or succeeding harvest	3.70	1.90	3.70	1.90	Do
20	Village and Zila Parishad and Panchayat Samities Plantations					
	(i) Any number of watering in Kharif	6.10	3.10	6.10	3.10	Do
	(ii) One watering in Rabi	6.10	3.10	4.90	2.50	Do
	(iii) Two or more watering in Rabi	12.10	6.10	8.50	4.30	Do
21	Grass					
	(i) Single watering in Kharif	6.10	3.10	6.10	3.10	Do
	(i) Single watering in Rabi	6.10	3.10	4.90	2.50	Do

Note :- (i) Grass given two or more watering falls under Class 18. (ii) Hemp, indigo, Guara, Janttar and Arhar-ploughed as green manure before 15th September are not assessable to water rates. B. Water rates for the part of irrigation from Lower Chautang Nala Canal

Class	Crop	Rate per Acre Lift		per crop
		Flow	maintained and operated by cultivators	
1	2	3	4	5
1		Rs.	Rs.	
1	Sugarcane, rice and waternuts	24.20	15.80	per crop
2	Cotton, indigo and maize	14.60	9.70	Do
3	Other Kharif Crop	9.70	6.10	Do
4	Special rates single watering before ploughing for Rabi (except wheat and gram followed by a crop)	6.10	3.70	Do
5	Special rates Single watering before ploughing for wheat and gram followed by a crop	6.10	3.70	Do
	4.90	3.70		

Notes:- Additional
watering after
31st October

per acre All crops
except fodder crop
including turnips

2.50 1.90

For fodder crop
including
turnips]

Part II – Water rates for the purpose other than irrigation

S. No	Purposes	Rate
1.*	Brick making and pisewall buildings	Rs. 110 per 2500 cubic feet.
2	Laying concrete and brick or stone masonry	Re 1 per 100 cubic feet
3	Metalling Roads	Rs. 84 per mile
4	Consolidation of Kacha Service Roads	Rs. 100 per mile per annum for a maximum of 8 watering in ten months from December to September
5.*	Water supplied in Bulk :-	
	(i) Industrial and powers plants	Rs. 55 per 2500 cubic feet
	(ii) Other bulk supplies	Rs. 11 per 2500 cubic feet.
6	Manufacture of charcoal	Rs. 10 per kiln per season crop provided kiln is in use
7	Watering road side or avenue trees	Rs. 16 per canal mile of 5,000 ft. per kharif crop Rs. 32 per canal mile of 5,000 ft. per rabi crop.
8	Sprinkling water on roads in the Kharif season	Rs. 32 per mile
9	Sprinkling water on roads in the Rabi season	Rs. 64 per mile

*Substituted vide Haryana Notification dated 8.5.96 Notes. - (1) Except within the limits of civil stations, cantonments and municipalites, no charge shall be made for water used for the manufacture of bricks not subsequently burnt in a kiln or for pise wall buildings, if taken from a water course or tank lawfully supplied from a canal.(2)No charge in excess of one hundred rupees for flooding per mile should be levied for sprinkling water on kacha service roads.(3)No charge will in practice be levied for a sprinkling water on roads where the amount of water used is negligible.(4)[Water supplied in bulk to municipal Committees, notified area committees and other public bodies and institutions run by charitable trusts for use by public in general for drinking and washing purposes but for commercial purposes is to be charged at the rate of Rs. [3.30] [Amended vide notification No. 10660-IPW II-76/114 dated 11.1.77.].per 5,000/- cubic feet.](5)No charge shall be made for water used for watering avenue or road side trees sown by villages alongside water courses, fields and village roads and within the village abadi.