

The Himachal Pradesh Minor Canals Rules, 1977

HIMACHAL PRADESH

India

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Part I – Preliminary

1. Short title and commencement.

(1)These rules may be called the Himachal Pradesh Minor Canals Rules, 1977.(2)These shall extend to the whole of Himachal Pradesh.(3)These shall come into force at once.

2. Definitions.

- In these rules, unless there is anything repugnant in the subject or context-(a)"act" means the Himachal Pradesh Minor Canals Act, 1976, (42 of 1976);(b)"annexure" means annexure appended to these rules;(c)"section" means the section of the Act;(d)all other words and expressions used herein but not defined in these rules shall have the same meanings assigned to them in the Act.

Part II – Construction and Maintenance of Works and Supply of Water

3. Application for permission to construct a canal intended to be fed from any source of supply notified.

- Any person, desiring to construct a canal intended to be fed from any source of supply, which has been notified by the State Government, under section 4, shall apply, in writing, to the Collector for

his permission, in the form as per Annexure-I.

4. Circumstances in which the permission to extend to construct a canal to be fed from any notified source can not be accorded.

- Water shall not ordinarily be granted to the lands, -(a) where the length of the water course from its head to its point of contact with field exceeds 3 kilometres; or (b) where the water supply or water in the canal, distributary, or water course is already fully utilised; or (c) where, in the opinion of the Collector loss from wastage is likely to occur.

5. Closure or discontinuance of water courses.

(1) Whenever the Collector is satisfied that the due distribution of water from the source of water is not possible, or the water course, sluice or outlet is not maintained in proper repairs or is subject to wilful damage or wrongful enlargement, or supply of water is not possible due to obstructions/interruptions caused by the natural forces, he may order the closure or discontinuance of the supply of water for a period so long such exigency on which the water supply is ordered to be closed or discontinued remains. (2) Whenever the Collector, on the receipt of a written declaration by the Medical Officer of Health, is satisfied that the water course situated within the jurisdiction of any local authority is in such a defective sanitary conditions as to be a menace to public health, he may order the closure or discontinuance of water course till such time the defects are not set right and the water supply is not declared to be in hygienic and good sanitary condition. (3) The order, under sub-rule (1) or (2) shall be in writing under hand of the Collector and a copy of the same shall be conveyed by the authorities in-charge of the Canal with due expedition to reach local authority and delivered to the responsible officer of such local authority, namely in case of villages to the Sarpanch of the village concerned and in case of Municipal Committees/Notified Area Committees to the President of the Municipal Committee or the Notified Area Committee, concerned. The receipt of each person to whom a copy of the order is delivered shall be affixed to a Schedule prepared for the purpose, which shall be maintained in the office of the Collector. (4) It shall be duty of the person, who receives the order referred to in sub-rule (3), to affix it at once at a conspicuous place in the village or town and to make its purport generally known to all concerned, by beat of drum.

6. Application for transfer of existing water course.

- The person, desiring that an existing water course should be transferred from its present owner to himself shall apply to the Collector in the form as given at annexure II to these rules and shall make the deposit of such amount as the Collector considers necessary to defray the cost of the preliminary proceedings and the amount of compensation that may be come due under the provisions of section 19 in respect of such transfer.

7. Preparation of demand statements.

(1)The village Patwari or any other Officer authorised by the Collector shall prepare the demand statement and shall submit the same for the approval of the Collector or any other authority appointed by him in this behalf.(2)As soon as the demand statements is prepared and approved under sub-rule (1) the same shall be kept open for inspection by the persons liable to pay the charges under the Act and these rules, in the office of the Patwari concerned.(3)As soon as the demand statements of a Patwar Circle are completed the Patwari shall inform the Lambardars of the dates on which the demand statement will be distributed in each village. The Lambardars shall call upon the irrigators to attend and receive demand statements from the Patwari. Undistributed demand statements shall be entrusted to the Lambardars of the villages concerned. The Patwari shall in every case endorse the date of distribution of the demand statement.(4)If the irrigator desires to raise any objection about the correctness of the entries made against him in the demand statement,-(a)whether as to the fact of the land having been irrigated; or(b)of its being charged "Flow" or "Lift"; or(c)as to the measurement and entries of class of crop; or(d)if he has been charged without having done any irrigation from the canal during the harvest under assessment; or(e)if no demand notice has been delivered either to him or to the Lambardar, he may prefer the objection, in writing, to the Collector within twenty-one days from the date on which the demand of statement was served on him or in the case of clause (e) within ten days of the date on which he first became acquainted with the claim against him.(5)The objections raised under sub-rule (4) shall be investigated through any agency, as the Collector may deem fit, on spot within 15 days of their receipt and promptly disposed of by the Collector. The orders of the Collector in such cases shall be communicated to the objector and the orders as passed and communicated to the objector shall be final and binding on the objector.

8. Method of dealing with alternations in the demand statement.

- If after the service of the demand statement any addition is made to the demand, or any reduction is allowed as a consequence of the decision taken by the Collector under sub-rule (5) of rule (7) or on account remission granted under rule 22 or under sub-section (6) of section 28, such addition or deduction shall be communicated to the irrigator as well as to the Collector by means of the supplementary demand statement. The demands shall be shown in black and remissions in red letters.

9. Charges for use of water.

- Subject to the provisions contained in this Chapter the charges for the use of water shall be made on the basis of the class of crops cultivated and area irrigated and on the rates as specified in schedule of rates at annexure III to these rules.

10. Charges leviable for a preliminary watering (Paleve) when no crop is sown.

(1) When a field receives the first or preliminary watering and afterwards no crop is sown, the lowest rate of charge for the 'Lift' or 'Flow' Irrigation, as the case be, will be levied. (2) When a field receives the first or preliminary watering and afterwards a crop is sown there shall, subject to the provisions of sub-rule (3), be payable in respect of watering the full rate specified in the schedule of rates to be charged for canal water supplied for the irrigation of the Crop. (3) When a provision is made in the schedule for a special rate being charged for a single watering followed by a crop on the land irrigated from a channel to which the State Government has declared the special rate to be applicable, the rate to be charged for watering shall be such special rate and not the full rate which would otherwise be payable under sub-rule (2).

11. Charges for mixed crop.

(1) Mixed crops, which have no specific mention in the schedule of rates shall be assessed at the highest rate leviable on any of them. (2) Crops grown separately in the same field shall be treated as mixed crop unless the division between them has been clearly marked by a well defined boundary.

12. Charges leviable for field resown.

- When the original crop sown in a canal irrigated field fails and is ploughed up, and a fresh crop is sown in the same season, the water rate to be levied shall be the same as specified in the schedule of rates for the crop which comes to maturity.

13. Water rate for fields partly irrigated.

- If only a portion of field be irrigated the water rate shall be chargeable on the whole field unless such portion has been clearly demarcated by a well defined boundary.

14. Charges leviable in fields partly irrigated from canals partly from wells or other sources.

- When a portion of a field has been irrigated with canal water and a portion with water from a private well or any other source, the whole field will be treated as irrigated with canal water. Where the boundary demarcated by a well defined boundary exists between the two portions, 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 canal charge on the portion irrigated by well or other source shall be exempted.

15. Use of Canal Water courses, for conveyance of water from a well or any other sources.

- If water from a private well or from any other private source is conveyed in the same channel as those of canal water in the same season, the whole of irrigation from that channel/channels shall be treated as irrigation from the canal.

17. Owner's rate.

(i) Perennial irrigation	Rs. 3/- per acre matured
(ii) Restricted perennial irrigation	Rs. 2/- per acre matured
(iii) Non-perennial (Kharif) irrigation	Rs. 1.50 per acre matured

18. Charges leviable for taking water from canal without permission or at times prohibited by a proper authority.

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shall be measured up as soon as possible and the persons chargeable with the special rate having been determined, notice shall at once be given to them on each such occasion that they will be charged accordingly in the demand statement for the area thus watered.(4)The special rate under this rule, shall be recovered in addition to the penalties which may be imposed on account of such use or waste of water.

19. No water rate is to be enhanced or levied.

(1)Notwithstanding anything contained in these rules, no enhancement of the water rate/rates levied under this chapter shall be made in consequence of the change of the class of lands from un-irrigated to irrigated land, for Rabi/Kharif harvests.(2)Water rate shall not be levied,-(a)on crops grown merely with the aid of percolation and not actually irrigated;(b)on crops seriously damaged by swampings and deposits or other harmful action of bonds.

20. Persons from whom rates leviable.

(1)The rates prescribed, under these rules for the use in an authorised manner of water of canals shall be leviable from the occupiers of land. For this purpose the following persons shall be deemed "Occupiers" namely: -(a)where the land owner is in actual cultivating occupancy 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 land is in the actual cultivating occupancy of a tenant or sub-tenant but the rent is paid through a contractor, the landlord, contractor and such tenant or sub-tenant;(d)where the land is in actual cultivating occupancy of a mortgagee holding from a landlord, tenant, sub-tenant such mortgagee or mortgagor.(2)In the cases referred to in clauses (b), (c) and (d) of sub-rule (1):- (a)the landlord and the tenant or sub-tenant, or (b)the landlord, the contractor and the tenant or sub-tenant, or (c)the mortgagee and mortgagor, as the case may be: shall be jointly and severally liable for the payment of occupier's rates.(3)The expressions "Landlord" "Land-owner" and "tenant" in this rule shall have the meanings respectively, assigned to them in the Himachal Pradesh Land Revenue Act, 1954 (6 of 1954) and the Himachal Pradesh Tenancy Land Reforms Act, 1972 (8 of 1972).

21. Receipts and disposal of proceeds.

(1)Receipts shall be given by the Lambardar or other person making the collection to each irrigator on the payment of water rate.(2)The proceeds of the water rate collected under sub-rule (1) after deduction of 3 per cent in case collection is made by the Lambardar, shall be credited to the general revenue under the Budget Head: 1106-minor Irrigation Soil Conservation and Area Development(a)Receipts from L.I.S. Water Rates.(b)Receipts from Minor Irrigation works water rates.(3)The Collector may withhold and credit to Government as a revenue by forfeiting the whole or any other portion of the sum payable to the Lambardar or any other agency under sub-rule (2) if the realization as the case may be not made in time, or if the Lambardars or any other agency has failed to render proper assistance for the distribution and control of water or in the assessment of irrigation charges.

22. Remissions.

(1) In the event of the failure of an irrigated crop owing to a deficiency with the water of canal or the failure of an irrigated crop owing to crop diseases or natural calamities such as hail, severe dust storms, floods, locusts or other pests, the rates assessable on the land upon which the crop was sown shall be remitted in accordance with the provisions contained in this rule. (2) Whenever circumstances exist to appellant that the total produce of the land under irrigation in any cropping season is likely to be damaged to an extent of more than 10% of its normal produce, the irrigator or his agent in the form as given at Annexure IV shall issue a notice of such circumstances to the Collector in whose jurisdiction such damage is apprehended. (3) Immediately on receipt of a notice under sub-rule (2) the Collector shall forward the same to the Tehsiidar/Naib Tehsildar, within 15 days of the receipt of notice. The Tehsildar/Naib Tehsildar shall inspect the damaged crop, mentioned in the notice and submit his report about the damage found to the Collector. (4) The Collector after considering the report received under sub-rule (3) and after holding such further enquiry as he may consider necessary, shall order remissions of the water rate for that crop as under:-

- (i) In case of damage exceeding 10% but not exceeding 33% Not exceeding 15% of the water rate.
- (ii) In case of damage exceeding 30% but not exceeding 50% Not exceeding 25% of the water rate.
- (iii) In case of damage exceeding 50% but not exceeding 75% Not exceeding 50% of the water rate.
- (iv) In case of damage exceeding 75% 100%

(5) Any person aggrieved by the order of the Collector made under sub-rule (4) may within a period of 30 days from the date of such order prefer an appeal to the Commissioner: Provided that the Commissioner, may entertain the appeal even after the expiry of the said 30 days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal on the earliest day. The Commissioner may, after affording a reasonable opportunity of being heard to the applicant, pass such order as he deems fit and his order shall be final.

23. Notice to land owners under section 48.

- Soon after entering upon the land if any person under section 12 or taking possession of land under section 48(1) the Collector, or any Officer as authorised by him in this behalf, shall inform the land-owner about the fact that the land has been entered into, or taken possession of, as the case may be, in the public interest.

24. Procedure to acquired land after taking possession.

(1) In all cases where the Collector has taken possession under sub-section (1) of section 48, he shall also require the owner, or all other persons interested in the land, to file their claims with regard to compensation. (2) After taking possession under sub-section (1) of section 48, the Collector shall forward the case to the Government along with necessary details of the land. (3) If in the opinion of the government the possession of land in question has been taken in the public interest it shall declare that the land is required for a public purpose within the meaning of Land Acquisition Act

1894 (1 of 1894) and direct the necessary action to be taken thereunder.

25. [Passing of Animals and Vehicles across water courses etc. [Added vide The Himachal Pradesh Canals (First Amendment) Rules, 1980.]

- No person, without permission in writing of the Collector or any other authority authorised by him in this behalf shall pass or cause animals and vehicles to pass on or across any of the words, banks, channels, canals, or drainage works except through such bridges and ferries and their approaches as are specifically allowed by the Collector for use by general public.]

26. [Preparation of warabandi statements. [Added vide The Himachal Pradesh Canals (First Amendment) Rules, 1980.]

- The collector shall get the warabandi statements prepared for regulating the supply and distribution of the water to an from such canals, and the same shall be kept open for inspection in the office of the village Patwari or any other authority appointed for this purpose.]In case any of the beneficiaries has attention to the Warabandi statement, he can apply in writing to the Collector for inspection of records leading to preparation of Warabandi statement. The Collector, shall allow such beneficiaries to inspect the record on the payment of Rs. 5/- which shall be deposited with the collector.Any objection filed before the Collector by such beneficiaries with or without inspection of the record shall be disposed off by the Collector within 15 days from the receipt thereof and the decision of the Collector shall be final and binding:-Annexure I(See rule 3)Form of Application for the Permission of the Collector to construct a canal intended to be Fed from any Source of Supply notified under section 4 of the Himachal Pradesh Minor Canals Act, 1976 (Act No 42 of 1976)ToThe Collector,.....Sir,In accordance with the provisions of sub-section (1) of section 5 of the Himachal Pradesh Minor Canals Act, 1976, I/We, whose particulars are given below, intend to effect the change or construction of a canal intended to be fed from any such channel, lake or other collection of water, the details of which are mentioned below:-A. Particulars of the applicant:

Serial No. Name with percentage Address Area of the land to be benefited

B. Particulars of the canal and proposed change:

1. Name of supply channel.....

2. Proposed site of new outlet.....

3. Number of pipes required.....

4. Approximate area of land to be irrigated.....

- 5. Irrigation by overflow or lift.....**
- 6. Approximate length of water course.....**
- 7. Names of owners of land to be traversed by water course.....**
- 8. Land irrigable from any existing outlet or not.....**
- 9. Number and names of intending shareholders (if any) in the outlet applied for.....**

Particulars to be filled by the office of the Collector.

- 10. Number of outlets now in supply channel.....**
(a)Right Bank.....(b)Left Bank.....
- 11. Width of bank including slopes and path way.....**
- 12. Number of outlets now allotted to village.....**
- 13. Culturable area -**
(a)Whole village.....(b)Applicant's land.....
- 14. Area already provided with irrigation.....**

2. I/We have endeavoured unsuccessfully to acquire from the owners of the land through which I/We desire such water course to pass, a right to occupy so much of land as will be needed for such water course. So I/We desire that you, on my/our behalf and cost and do all things for acquiring such right. I/We, am/are able to, defray all cost involved in acquiring such right and constructing such water course to you satisfaction.

I/We certify that the information furnished above at serial Nos. (1) to (9) and para 2 above is true to the best of my/our knowledge and belief. Signature of applicant or thumb impression, if illiterate

Serial No. Name Address Signatures or thumb impression

Annexure II(See rule 6)Form of Application to the Collector for the transfer of the Existing Water Course under section 17 of the Himachal Pradesh Minor Canals Act, 1976 (Act No 42 of 1976)ToThe Collector,.....Sir,In accordance with the provisions of section 17 of

Himachal Pradesh Minor Canals Act, 1976 (Act No. 42 of 1976) I/We whose particulars are given below request you that the ownership of water course.....being fed by.....source of water, being held by.....may kindly be ordered to be transferred in my/our name(s) for the following reasons: -

1.

.....

2.

.....The proposed transfer is necessary for the better management of the irrigation from the aforesaid water course. I/We have endeavoured unsuccessfully to procure such transfer from the above named present owner of the aforesaid water course and I/We desire you, on my/our behalf and cost, to do all things necessary for procuring such transfer. I/We, am/are able to defray the cost of such transfer and I/We have deposited the sum of Rs.....to meet the cost of preliminary proceedings and the amount of compensation that may become due under the provisions of section 19 in respect of such transfer. In the event such deposit runs short, I/We undertake to pay the remaining balance well before the aforesaid transfer is materialised. Signature of applicant, or thumb impression of illiterate.

Serial No. Name Address Signatures or thumb impression

Annexure III(See rule 9)

of Occupiers, Rates in Force on Minor Irrigation Canals in Himachal Pradesh

Sl. No.	Name of Crop	Rate per acre		
Flow Rs.	Lift Rs.			
1	2	3	4	5
1.	(a) Sugarcane (on Kharif channels)	13.60	27.20	Per crop
	(b) Sugarcane (except on Kharif channels)	16.63	33.26	-do-
2.	Water nuts	11.34	22.68	-do-
3.	Rice	9.82	19.64	-do-
4.	Indigo and other dyes, Tobacco, poppy, spices and drugs	8.30	16.60	-do-

5.	Cotton	6.80	13.60	Per crop
6.	Melons fibre (other than Cotton) and all crops not otherwise specified	6.80	13.60	-do-
7.	Maize	5.65	11.30	-do-
8.	Kharif oil seeds	6.42	12.84	-do-
9.	Barley and Oats (except on Kharif channels)	6.42	12.84	-do-
10.	Garden and Orchards (excluding rabi crops) and vegetables	8.30	16.60	Garden and orchards per half years and the rest per crop.
11.	All Rabi crops (except wheat and grams) including garden, orchards and vegetables	3.05	6.10	-do-
12.	Wheat and Grams (on Kharif channels)	2.78	5.65	Per crop
13.	Wheat and Grams (except on Kharif channels)	5.90	11.80	-do-
14.	Bajra, Masoor and Pulses	4.91	9.82	-do-
15.	Grams	4.50	9.00	-do-
16.	Jawar, Cheena, Grass which has received two or more watering and all fodder crops including turnips	3.78	7.56	Grass per half year and the rest per crop
17.	Grass single-watering	1.51	3.02	Per half year
18.	Watering for ploughing not followed by crops in same or succeeding	1.51	3.02	-do-

	harvests.			
19.	Villages, Municipal and District Boards, Plantatlor	1.51	3.02	-do-
20.	Paddock area as sanctioned by the local Government	8.25	16.50	Per half year in whole area irrespective whether i be irrigated in part or whole of not at all.
21.	Any number of water in Kharif	1.51	3.02	Per Half year
22.	One water in Rabi	1.51	3.02	-do-
23.	Two or more watering in Kharif or Rabi (General Rate)	3.05	6.10	-do-
24.	[] [Added by the H.P. Canals (First Amendment) Rules, 1980.]			
	Wheat	5.90	11.80	Per crop
25.	Brick making and pise wall building	0.30	0.60	Per hundred cubic feet.
26.	Laying concrete brick or stone masonry	0.20	0.40	Per hundred cubic feet.
27.	Metalling road	15.00	30.00	Per mile.
28.	Consolidation of Kacha service road.	45.00	90.00	per mile per annum o maximum or 8 enterings in10 month December-September
29.	Water supplied in bulk	1.50	3.00	per 2500 Cubic feet.
30.	Watering road side on avenue trees.	3.75	7.50	per canal mile of 500 ft. for Kharif crop Rs.8.50/-Rs. 15/- per canal mile of 5000 ft for rabi crop.
31.	Sprinkling water on roads in the Kharif season	7.50	15.00	per mile.

32. Sprinkling water on roads in the rabi season. 15.00 30.00 per mile.

33. Opium 27.20 54.40 per crop.

Annexure IV[See rule 22(2)]Form of Application giving Notice of Circumstances to the Collector for Ordering Remission under Section 29(6) of the Himachal Pradesh Minor Canals Act, 1976 (Act No. 42 of 1976)ToThe Collector,.....Sir,In accordance with the provisions of sub-rule (2) of rule 22 of the Himachal Pradesh Minor Canals Rules, 1976, I/We whose particulars are given below, give the notice of the following circumstances, the existence of which is likely to cause the damage to my/our crops, being irrigated by the water course.....being fed by.....source of

water:-(a).....(b).....(c).....The estimated damage is.....%.....of the normal produce of the crop of the land under irrigation. The particulars of the produce of the last two crops is as under:-

Name of crop Produce accrued Money value of the produce

(a).....(b).....The particulars of the crop and its location are given as under:-

(a) Name of crop.....

(b) Cropping season.....

(c) Location of the land on which the crop is standing (with Khasra No. and village etc. with patwar circle)

Area.....

Khasra

No.....

Village.....

Patwar Circle.

(d) Name of supply channel.....

(e) Irrigation by over flow or lift.....

(f) Number and names of share-holders in the damagedcrop.....

(g) Particulars of general remission/concession

extended by the State Government with regard to the samedamage (if any).....

(h) Steps taken to reduce the apprehended damage to thecrop.....

I/We certify that the information furnished above is true to the best of my/our knowledge and belief.Date.....Signature of applicant or thumbimpression, if illiterate.

Serial No. Name Address Signatures or thumb impression