

The U.P. Area Development (Regulation of Water Supply) (Osrabandi) Rules, 1979

UTTAR PRADESH

India

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Rule

THE-U-P-AREA-DEVELOPMENT-REGULATION-OF-WATER-SUPPLY-O of 1979

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The U.P. Area Development (Regulation of Water Supply) (Osrabandi) Rules, 1979Published vide Notification No. 2697/54-1-AD-123(4)-78, dated 17th July, 1979.

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In exercise of the powers under Section 53 of the Uttar Pradesh Area Development Act, 1976 (U.P. Act 51 of 1976), the Governor is pleased to make the following rules.

1. Short title and commencement.

- (i) These rules may be called the Uttar Pradesh Area Development (Regulation of Water Supply) (Osrabandi) Rules, 1979.(ii)They shall come into force with effect from the date of their publication in the Gazette.

2. Definitions.

- In these rules unless the context otherwise requires,-(i)'Gul' means the 'Kachcha' and 'Pucca' water courses which carry water from an outlet command to the fields of landholders;(ii)'Osrabandi' means the Scheduling of time for distribution of water to the landholders;(iii)'Thok' means a group of farmers of one family of adjoining fields joining together to receive water supply from an outlet on a fixed day and time;(iv)'Thokdar' means a person under whose supervision a group of farmers receive water supply from an outlet.

3. [Distribution of water to the landholders in an outlet command]

[1. Substituted by Noti No. 3298-54/CAD-9(93) 84, dated 25th November, 1987, published in U.P. Gazette, Part 1-Ka, dated 19th March, 1988]. - (1) Landholders in an outlet command may, within the assistance and approval of the Chak Samiti concerned, prepare a scheme of distribution of water from an outlet or private water coars in an outlet command and carry on operation of Osrabandi accordingly: Provided that at least 25 per cent of landholders in that outlet command give their consent in writing to the scheme of distribution so prepared. An application in its behalf may be made to the Deputy Revenue Officer in A.D. (O) Form 1 for osrabandi in the outlet command. (2) Where an application made under sub-rule (1), is accepted by the Deputy Revenue Officer concerned or where it is considered expedient, in public interest, so to do, he may on behalf of the Project Administrator, order for preliminary enquiry to be made in connection with osrabandi proceedings under Rule 4 and order that a fee of Rs. 40 per outlet shall in either case be recovered from the beneficiaries concerned in proportion to the area of their land likely to be benefited by the Osrabandi. Out of the Rs. 40.00 or Osrabandi fees, Rs. 25.00 will cover the cost of incidental work such as tracing Shajras etc. and Rs. 15.00 for departmental over-heads.

4. Preliminary enquiry.

- The Deputy Revenue Officer may either personally or through Zildar assisted by Assistant Development Officer (Agriculture), Assistant Development Officer (Minor Irrigation) or the Soil Conservation Inspector of the local area concerned doing farm development work shall record or cause to be recorded the statement of the landholders and endeavour to settle the scheme of Osrabandi by mutual agreement among the landholders and shall pass necessary orders in the matter after making local investigation, if considered necessary. No orders for Osrabandi under this rule shall be made if the area propose to be covered by the Osrabandi is; (i) less than two hectares, (ii) On the far off-side of a drain, drainage off-low ground on situated outside the area command by the outlet; (iii) on a temporary outlet; (iv) drought affected area; or (v) likely to be covered by land settlement to be started in the area.

5. Collection of information before Osrabandi.

(1) Where the Deputy Revenue Officer passes and order for Osrabandi under Rule 4 on behalf of the Authority the Amin shall prepare A.D. (O) Form 2, and make entry with respect to every field within the boundary of the command in that form and in serial order together with the following information: (i) Area of the field. (ii) Lift or flow. (iii) Whether Nahri; Khaki, irrigated from wells or other source according to the settlement khasra. (iv) Whether cultivated, or cultivatable, according to actual conditions at site. (v) In Column 5 of A.D. (O) Form 2, the name of the owner of the land shall be entered. However, if the land is cultivated by an occupancy-tenant, the name of such tenant shall be entered instead of that of the owner of the land. (vi) The whole of the cultivable area included within the chak boundaries shall be brought into the Osrabandi with the exception of those fields which are irrigated exclusively from wells and other sources of irrigation, and which have not been cultivated within the previous five agricultural years. (vii) If any of the cultivable area within the chak boundaries is excluded from Osrabandi, reasons for such exclusion shall be given. Area of such

excluded land shall be given in bighas and biswas or in acres and decimals.(viii)The number of the 'Thoks' shall be as few as possible, and each thok shall be made large enough to receive water for at least 6 hours except in cases where:(a)The entire area of an outlet command being so small as to have less than 6 hours lime.(b)There are landholders who can neither form 'thok' of at least 6 hours time nor can get included in other 'Thok'. The members of one family or the landholders of adjoining fields shall as far as possible form one 'Thok' and they shall select their own Thokdar, who shall be a responsible person of high integrity. Consent of each landholder for being included in a particular 'Thok' as well as the consent of the 'thokdar' to include him in the 'thok' should be obtained and recorded in writing as far as possible.(ix)Totals of areas included and excluded.(2)After collecting information under sub-rule (1) in A. D.(O) Form 2 the Amin shall get the same countersigned by the lekhpal in token of its correctness as regards the areas and landholders and submit it to the Ziledar for further action.

6. Preparation of A.D.(O) Form No. 3.

- The Ziledar shall prepare A. D. (O) Form No. 3 on the basis of A. D.(O) Form No. 2 and shall enter only the Khasra numbers to be included in the Osrabandi. The Khasra numbers shall be arranged in serial order pertaining to each village, thoks and landholders. At the end of the form there shall be an abstract statement of villages, thoks and the total must tally with those in A.D. (O) Form No. 2.

7. Enquiry on completion of A. D. (O) Form Nos. 2 and 3.

(1)After completion of A. D (O)Forms 2 and 3 a joint enquiry at the site shall be made by the Ziledar with the Assistant Development Officer (Agriculture), Assistant Development Officer (Minor Irrigation) or Soil Conservation Inspector of the local area doing on farm development work, in the presence of the Chairman, Chak Samiti.(2)The Ziledar with the Assistant Development Officer (Agriculture), Assistant Development Officer (Minor Irrigation) or the Soil Conservation Inspector of the local area doing land development work shall require all the Thokdars' and landholders to be present at some convenient place at the time of enquiry.(3)The Ziledar shall then have the fields, area and thoks attested in the presence of the landholders and Thokdars' and make all necessary corrections or modifications. He shall also look into and settle any objections raised and inspect the site, if necessary. A. D.(O) Form No. 3 as finally drawn up shall be signed by all the 'Thokdars' and the landholders present at the enquiry.(4)In case of dispute where any of the landholders does not agree with the settlement as above the case shall be referred by the Ziledar with his report to the Deputy Revenue Officer for orders along with a copy of A. D. (O) Form 3. .

8. Hearing of objections.

- On receipt of the papers referred to in sub-rule (4) of Rule 7 the Deputy Revenue officer shall fix a date giving ten days, notice for the hearing of objections made by the landholders. The Deputy Revenue Officer shall hear and settle the objections in the presence of the Chairman, Chak Samitis, and make such corrections as may be considered necessary A. D. (O)Form 3 as approved by the Deputy Revenue Officer shall be treated as final. A copy of this form shall then be posted by the amin in the Panchayat Ghar or other conspicuous place of the village concerned and a duplicate

copy thereof duly signed by at least five prominent inhabitants of the village including the Chairman, Chak Samiti, shall be returned for record in the file as evidence of the action taken under this rule.

9. Preparation of A. D. (O) Form No. 4.

(1) After A. D. (O) Form 3 has been finalized by the Deputy Revenue Officer under Rule 18, steps for the preparation of A. D. (O) Form 4 showing the names of landholders, number of the fields, the area and thoks will be taken. This form will be prepared by the Zileadar and approved by the Deputy Revenue Officer. After A.D. (O) Form 4 has been approved and signed by the Deputy Revenue Officer the scheme of Osrabandi shall be worked out by the Zileadar on the basis of the following guidelines: (i) The total period of distribution within which all the thoks must be covered once shall generally be one week. (ii) Water shall be released to the first Thok half-an- hour after the time water usually reaches the head of an outlet. (iii) The time for which water will be released to each landholder and to each Thok shall be calculated in hours and minutes. (2) For sequencing the releases of water the Thoks shall be numbered in the following manner: (i) Thok No. I shall be that which has a field nearest to the head of the main 'Gul' and on its left side (if there is any chak road adjoining the main gul, the chak road and the gul combined shall be considered to be the main gul). (ii) Thok No. II shall be that which has a field nearest to the head of the main gul and on its right side. (iii) Thok No. III shall be that which has a field nearest to the head of the main gul, on its left side, and after Thok No. 1. (iv) Similarly Thok Nos. IV, V, etc. shall be determined. (v) When the numbering of Thoks on the main gul has been completed, the Thoks on the nearest branch gul shall be similarly numbered. (vi) Similarly the all the branch guls shall be numbered, gradually moving away from the head of the main gul. (vii) In case two branch guls take off at the same point from the main gul, the one on the left of the main gul shall be considered first.

10. Hearing and settlement of objection by D.R.O.

(1) After the schedule of Osrabandi has been drawn up finally under Rule 9 a copy of A. D. (O) Form 4 along with the scheme of Osrabandi shall be posted in the villages concerned in the villagers concerned in the manner specified in Rule 8 and the provisions of Rule shall mutatis mutandis be applicable in regard to the hearing and settlement of objections by the Deputy Revenue Officer relating to A.D. (O) Form 3 and the scheme of Osrabandi. (2) After the forms and maps relating to the scheme of Osrabandi have been signed by all the officers concerned, the Deputy Revenue Officer shall scrutinize the case carefully, carry out such modifications in the sequence and time of 'thoks' as he may consider necessary, and if during investigation it appears desirable to alter the ventage of the outlet, he shall change its position or made any other change, and shall then sanction the scheme of Osrabandi on behalf of the authority, sign the parchas which shall then be distributed to the landholders in the presence of the Chairman of the Chak Samiti on a date and time fixed by the Deputy Revenue Officer in this behalf. Any remaining parchas shall be dispatched thereafter to the concerned landholders by registered post.

11. Records of Osrabandi File.

(1)After action under sub-rule (2) of rule 10 has been taken, the Deputy Revenue Officer shall send the complete file of Osrabandi to be recorded in the office of the Executive Engineer concerned after completion of the case.(2)The details of the scheme of Osrabandi shall also be rioted in the register maintained in the office of the Division, office of the Deputy Revenue Officer, and office of the Zildar and its boundaries marked in red ink on a 'Sajra' map of the scale of 16 inches to 1 mile.

12. Revision of Osrabandi.

- A schedule of Osrabandi sanctioned under sub-rule (2) of Rule 10 shall remain in force for a period of ten years from the date of its enforcement, but it may revised earlier by the Deputy Revenue Officer -(a)there is change in the ventage or position of an outlet or change in the command area of an outlet;(b)a change in the roster of a channel occurs;(c)there is a conversion from canal to well irrigation;(d)a cultivated area becomes uncultivated or vice versa;(e)a change in occupancy and other holdings occurs; or(f)there or other special circumstances which in the opinion of the Deputy Revenue Officer necessitate any revision:Provided that the contingencies referred to in items (c), (d), (e) and (f) are of sufficient magnitude to affect the existing distribution system to a considerable extent,

13. Register of Osrabandi. -

(1)A register in A.D. (O) Form No. 5 of Osrabandi sanctioned, shall be maintained in Hindi written in Devanagri script in the following offices:(a)Divisional Office,(b)Sub-divisional Office,(c)Office of Block Development Officer, and(d)Office of the Zildar.(2)A register in A.D. (O) Form No. 6 and a register in A.D. (O) Form No. 7 shall be maintained in Hindi written in Devanagri script in the office of Deputy Revenue Officer only.

14. [Infringement of Osrabandi] [1. Substituted by Noti. No. 3298/54-CAD-9 (93)-84, dated 25th November,1987, published in U.P. Gazelle, Part-1-ka, dated 19th March, 1988]. - (1) In case of infringement of violation of a scheme of Osrabandi sanctioned under sub-rule (2)of Rule 10, the project Administrator or the Joint Administrator or any officer of the Project Authority Authorised by it, by general or special order in that behalf may either before or after institution of the proceedings, compound such infringement or violation on such terms, including payment of composition fee as he may think fit.

2. For the purposes of this rule the Executive Engineer/Sub-Divisional Officer/Deputy Revenue Officer cum-canal Magistrate Class II Juridical of the irrigation Department in whose jurisdiction the infringement or violation has

taken place will be deemed to be an ex officio officer of the project and he shall be competent under this rule to take action suo moto and/or receipt or a complaint.

[A. D. (O) Form 1] [Substituted by Notification No. 3298/54-CAD-9 (93)-84, dated 25th November, 1987, published in U.P. Gazette, Part-1-ka, dated 19th March, 1988][Rule 3 (1)]The Deputy Revenue Officer, We the undersigned landholders of the command of outlet no.....request you to kindly sanction Osrabandi of command of this outlet of.....

By/Dy/Mr. We hereby undertake to bear proportionately the Osrabandi fee, such Osrabandi which may be recovered from us proportionately as arrears of land revenue, in case of default of payment thereof.

2. Necessary particulars and the reason for Osrabandi are given below:

Name of parentage	Address	Signature	
Name of Land-Holder with parentage and address	No. of fields with area	Reasons for Osrabandi	Signature
1	2	3	4
1			
2			
3			
4			
5			
6			
7			
8			

A.D. (O). Form 2[Rule 5]

1. Outlet command No.....

2. Distributary.....

3. Distance from Head.....

4. Right/Left Bank.....

5. Ziledari.....

6. Sub-division.....

7. Division.....

Name of village, tehsil , district	Khasra No.	Area	Name of land-holder with parentage and address	Name of Thokdar with parentage and address	Remarks	
Flow	Lift					
1	2	3	4	5	6	7

A.D. (O) Form 3List of beneficiaries(Referred to in rule 6)

1. Osrabandi No.....

2. Outlet command No.....

3. Distributary.....

4. Distance from Head.....

5. Right/Left Bank.....

6. Ziledari.....

7. Sub-division.....

8. Division.....

Name of village	Name of Thokdar with parentage and address	Name of landholder with parentage and address	Khasra No. area	Total area of Thok	Area of Thokdar	Signature of landholder	
Flow	Lift	Flow	Flow	Flow	Flow		
1	2	3	4a	4b	5a	5b	6a 6b 7

A.D. (O) Form 4[Rule 9]

1. Osrabandi and Book No.....

2. Outlet No.....

3. Distributary.....

4. Distance from Head.....

5. Right/Left Bank.....

6. Ziledari.....

7. Sub-division.....

8. Division.....

Thok No. and name of Thok	Name of Thokdar with parentage and address	Name of members of Thok with parentage and address	residence	Name of Irrigation mauza	No. of fields with area and khasra no.	Total area (Acres)	Details of Osrabandi from.....to.....	Total time
Village	Tehsil	District	Flow	Lift	Day	Hour	Day	Hour
1	2	3	4a	4b	4c	5	6	7a

A.D. (O) Form 5[Rule 13 (1)](Register of sanctioned osrabandi)

1. Name of Block/Ziledari/Sub-division/division.....

2. Canal.....

Serial No.	Distributary	Location Outlet	Section	Name of thokdar with parentage and address	Name of landholder with parentage	Residential address of landholder	Name of village irrigated	Number	Khasra no.	Osra	T
No.	Distance	Bank	Ventage	Khasra boundary	Order no.	Date	Thok no. and name of	Day	Hour	Day	T

thok

1 2 3a 3b 3c 3d 3e 4a 4b 5 6 7

A. D. (O) Form 6[Rule 13 (2)]

1. Name of Block/Division.....

2. Canal.....

Serial No.	Name of Ziledari	Name of distributary	Outlet Command No.	Distance form head	Name of landholder with parentage and address	Date of receipt of application	Sadar	Magistracy	Sanction	Docu
Km.	Bank	Ventage	No.	Date	No.	Date	No.	Date	No.	Date
1	2	3	4	5a	5b	5c	6	7	8a	8b

A. D. (O) Form 7[Referred to in Rule 13 (2)](register of Rejected Osrabandi)

1. Name of Block/Division.....

2. Canal.....

Serial No.	Ziledari	Name of distributary	Outlet No.	Distance from Head	Name and address of landholder with parentage	Date of receipt of application	Order No. and date of rejection of application	Reason for rejection	Remarks
Km.	Bank	Ventage							
1	2	3	4	5a	5b	5c	6	7	8 9 10