

The Rajasthan Minor Irrigation Works Rules, 1956

RAJASTHAN

India

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Rule

THE-RAJASTHAN-MINOR-IRRIGATION-WORKS-RULES-1956 of 1956

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The Rajasthan Minor Irrigation Works Rules, 1956 Published vide Notification No. F.5(12) Revenue A/55 dated 3-9-1956, published in the Rajasthan Gazette, Part 4-C, dated 20-9-1956 In pursuance of clause (3) of Article 348 of the Constitution of India. His Highness the Rajpramukh, is pleased to authorise the publication of the following translation in the English language of the Rajasthan Minor Irrigation Works Rules, 1956. In exercise of the powers conferred by section 49 of the Rajasthan Minor Irrigation Works Act, 1953 (Rajasthan Act XII of 1953), the State Government has made the following rules, the same having been previously published as required by the said section.

1. Title and commencement.

(1) These rules may be called the Rajasthan Minor Irrigation Works Rules, 1956. (2) They shall come into force at once.

2. Definitions.

- In these rules, unless there be something repugnant in the subject or context:-(1) "the Act" shall mean the Rajasthan Minor irrigation Works Act, 1953 (Rajasthan Act XII of 1953). (2) "section" shall mean a section of the Act. (3) words and expressions defined in the Rajasthan tenancy Act, 1955 (Rajasthan Act 3 of 1955) shall have the meaning assigned to them by that Act.

3. Nature, extent and scope of work.

- These rules shall apply to the following works :-(1) Construction of small Bunds and Nadas: (2) Construction and improvement of water-courses, whether defined artificial channels or natural channel: (3) Construction of masonry wells: (4) Conversion of Kham wells into masonry

wells:(5)Construction of Kham wells:(6)Improvement of masonry wells which are out of use and the lands whereunder have been classed as Barani during the current settlement: and(7)Boring of wells.Explanation. - Improvement shall improvement of the works effected in accordance with the draft scheme within the period specified in the order.

4. Maintenance of works.

- Where the work is constructed by the Government out of its funds, it shall be maintained by the Government. In cases covered by clause (h) of sub-section (1) of section 10, it shall be maintained in accordance with the agreement.

5. Nature of enquiry under section 3.

- The Collector or any other officer directed to make an enquiry under section 3 shall enquire into the following matters before submitting his reports, namely :-(1)Khewat Nos., Khasra Nos., area, soil class, and the rent of lands which the proposed work would benefit;(2)Name, description, and place of residence of the land-holders and the tenants interested in the land and their status, e.g. Zamindar, Biswedar, Jagirdar, Or Khatedar tenant or tenant of Khudkasht or Chair Khatedar tenant;(3)Full details of the work proposed to be done;(4)Estimated total expenditure on the work, with details of dimensions and other particulars as far as possible: and(5)Estimated approximate benefit, i.e. extent of increase in irrigation or bed cultivation that the work is expected to result in.

6. Publication of notice under section 4.

(1)The notice under section 4 shall be published in the village or villages concerned by affixing a copy thereof on the Village Chaupal, if any, and by announcing the contents of the notice at a prominent place, and also, if so directed by the Collector, by publishing it by beat of drum.(2)The notice shall be in Form A appended to these rules.(3)The copy of the notice to be served on the owners of land shall be so served in the manner prescribed for the service of summons and processes issued by revenue courts.

7. Particulars and documents to be embodied in or submitted with a draft scheme.

- In addition to the documents specified in section 10 the draft scheme shall also be accompanied by the Khewat Nos., Khasra Nos. and particulars of the soil class, and rent of the land which would be benefitted by the work, together with a description and address of the land holders and tenants interested in the land.

8. Publication of notice under section 11 and particulars of draft scheme to be published.

(1)The notice under section 11 shall be published in the manner provided in Rule 6.(2)The notice under, section 11 shall be in Form B appended to these rules and shall contain the following particulars of the scheme namely; the category of scheme as mentioned in rule 3, the Khasra numbers of the land in which work would be situated, the Khasra numbers of the land to be acquired for the work and the estimated cost of the work.

9. Appeal against an order under section 16.

- An appeal against an order under section 16 shall lie to the Collector of the district in which the land in relation to which or in relation to whose owner the order is made, falls and shall be preferred in the manner prescribed for the filings of appeals in revenue suits and proceedings.

10. Rates leviable under section 19.

- in addition to the land revenue, or rent, payable by the owners, the owners of the hind benefitted by the scheme shall pay-(a)in the case of owners executing an agreement under clause (h)(i) or clause (b)(ii) of sub-section (1) or sub-section (3) of section 10, the sums due under the said agreement:(b)in the case of other owners, a rate per acre of the land benefitted by the work which would yield an interest at six and a half percent per annum on the total expenditure incurred on the construction and maintenance thereof:Provided that the rate per acre shall in no case exceed rupees ten per acre per annum.(2)The assessment shall be made by the Sub-Divisional Officer concerned.(3)The sums due under clause (a) and the water rate due under clause (h) of this rule shall be payable along with the instalment of revenue or rent and shall be recoverable as such.

11. Appeal under section 20.

- An appeal against an order of assessment made under section 19 shall lie to the Collector of the district and shall be preferred in accordance with the procedure for the filings of appeals in revenue suits and proceedings.

12. Variation of rent.

- Any variation in rent under section 24 mid 40 shall be made in the manner provided in section 120 of the Rajasthan Tenancy Act. 1955.

13. Remuneration to lambardars for collection of dues.

- The remuneration to be paid for collection of water-rates shall be five per cent of the amount collected and this remuneration shall cover all expenses incurred in the collection of water-rates by the lambardars.

14. Publication of notice under section 38.

- The notice under section 38 shall be given by affixing copies thereof on the notice board of the office of the Collector and the Tehsil office and in the nearest police station and on the Village Chaupal, and by announcement by beat of drum: and, if so directed by the Collector, it may also be published in some newspaper having circulation in the locality.

15. Offence.

- No person shall, without permission in writing of the officer-in-charge, (1) pass or cause any animal or vehicle to pass on or across any work controlled under these rules except upon such bridges, fords and ferries and their approaches as are provided for public use, or (2) fish in any such work by means other than a fishing rod: and whosoever contravenes this rule shall be punishable under section 31. Form - A (See Rule 6) Notice under section 4 of the Rajasthan Minor Irrigation Works Act, 1953 (Rajasthan Act XII of 1953). Whereas the State Government proposes to undertake the construction/maintenance of the minor irrigation works specified below:-(General character of the proposed construction or maintenance of the work to be given). Notice is hereby given under section 4 of the Rajasthan Minor Irrigation Works Act, 1953 (Rajasthan Act XII of 1953) to all persons likely to be affected by the said construction/maintenance that the Collector of.....district proposes to hold the enquiry indicated in the said section at..... (name of place) on:..... (date not to be earlier than 42 days of publication of notice). All persons interested in the proposed construction/maintenance.* or likely to be affected thereby are required to submit any objection or suggestion that they may desire to make on or before the(date) to be specified) .and to produce any evidence in support of such objection or suggestion on the date hereby appointed for the holding of the enquiry. Take notice that in accordance with the provisions of section 5 of the Act, every owner of land likely to be affected by such construction/maintenance* who fails, within the period allowed by this notice, to submit any objection or suggestion, in the manner prescribed above, shall be deemed, for the purposes of the Act, to have given his consent to such construction/maintenance.* Given under my hand and the seal of the office this..... day of..... 19.....Collector District*Strike out whichever is inapplicable. Form B (See Rule 8) Notice under section 11 of the Rajasthan Minor Irrigation Works Act, 1953 (Rajasthan Act XII of 1953). Whereas the draft, scheme, particulars of which are given below, has been prepared to the satisfaction of the State Government, notice is hereby given under section 11 of the Rajasthan Minor Irrigation Works Act. 1953 (Rajasthan Act XII of 1953) to all owners and occupiers of the land likely to be affected by the scheme and they are required to take note that the scheme will be open to inspection during office hours at the office of the Collector.(Name of district to be mentioned) and the Tehsildar of..... (Name of Tehsil to be given) and any person likely to be affected by the scheme may, within one month from the date of publication of this notice, present, in writing, to the Collector, any objection which he may have to the scheme. Take notice that, after the expiry of the said period, no objection will be considered. Particulars of the scheme Name of work (See rule 3) :-Description of any river or stream, or lake or other natural collection of water proposal to be used for the purposes of the work :-Khasra numbers and area of the land proposed to be acquired for the work :-Khasra numbers and area of the land to be benefitted by the scheme :-Method by which the State Government proposes

to recoup the expenditure to be incurred on the work Given under my hand and the seal of the office, this.....day of 19.....Collector,District.....