

# **Bihar Private Irrigation Committee Rules, 1922**

BIHAR

India

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### **Rule BIHAR-PRIVATE-IRRIGATION-COMMITTEE-RULES-1922 of 1922**

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Bihar Private Irrigation Committee Rules, 1922Published vide Revenue Department Notification No. 4745/3E-7-R, dated the 30th September, 1942Notification No. 5724-IIIE-7-R the 18th December, 1942. - In exercise of the powers conferred by sub-section (3) of Section 37 of the Bihar Private Irrigation Works Act, 1922 (Bihar and Orissa Act V of 1922), the Governor of Bihar is pleased to make the following Rules the same having been previously [published] [Vide Revenue Department Notification Notification no. 4745-IIIE-7-R, dated the 30th September, 1942.] as required by the provisions of the said Act, namely :-

#### **1.**

These Rules may be called the Bihar Private Irrigation Committee Rules, 1922.

#### **2.**

In these Rules, unless there is anything repugnant in the subject or context :-(a)"The Act" means the Bihar Private Irrigation Works Act, 1922;(b)"Committee" means the Irrigation Committee for any district under sub-section (1) of Section 37 of the Act.

#### **3.**

The Deputy Collector in charge of the Irrigation Works in a district shall be the ex-officio Secretary to the Committee for that district. He shall prepare the agenda of meetings of the Committee, issue notices and maintain records of all proceedings of all such meetings and shall carry on all correspondence on behalf of the Committee.

**4.**

The Committee shall meet on such date or dates as may be necessary, having regard to the works pending for its consideration. Subject to the provisions of Rules 6 and 8, the Secretary of the Committee shall fix the date, time and place of a meeting of the Committee. The Secretary shall send to each member of the Committee not less than ten days' notice of each meeting except an emergent meeting. For an emergent meeting not less than five days' notice shall be given. The notice shall set forth clearly and fully the business to be transacted at the meeting, and no business other than that so stated shall be transacted except with the assent of the members present. Accidental failure of service of notice on any member shall not invalidate the proceedings of any meeting.

**5.**

The members of the Committee present at a meeting shall elect one of such members As Chairman of the meeting.

**6.**

Meetings may be held from day to day till the agenda is finished or may be postponed for collecting further information or for local investigation or for any other sufficient reason.

**7.**

If, in the opinion of the Committee, a local investigation is necessary for the proper understanding or elucidation of any matter on which the Committee has been consulted by the Collector or by an Officer exercising the powers of the Collector under the Act, such investigation shall be made by all the members of the Committee or one or more specified members thereof, as the Committee may determine in each case. The report of the local investigation shall be considered by the Committee before its recommendation, in respect of the said matter, is made.

**8.**

A quorum shall consist of not less than five members, if at any meeting of the Committee a quorum is not present, the Chairman shall adjourn the meeting to such other date as he thinks fit, and at such adjourned meeting any number of members present shall form a quorum.

**9.**

All questions arising for the decision of the Committee shall be decided by a majority of the votes of the members present at a meeting, in the case of an equality of votes, the Chairman shall have a casting vote.

## 10.

The proceedings of the Committee at a meeting shall be recorded by the Secretary and signed by the Chairman of the meeting. The Secretary shall submit the said proceedings to the Collector or to any Officer exercising the powers of the Collector under the Act. Executive Instruction of Government. (1) Bihar Government, Finance Department letter No. 1516-F.R., dated the 3rd September, 1940. Subjects. - Classification of charges for establishment employed in connection with Private Irrigation Works. I am directed to request that the following sub-heads and primary units of appropriation may be opened under the minor head "25-General Administration - District Administration - General Establishment" for debiting the charges for pay, allowances and contingencies of the staff noted above, with effect from the current financial year :- Sub-heads (i) "Establishment charges in connection with Private Irrigation Works" with common units of appropriation, viz., "Pay of Establishment", "Allowances" and "Contingencies". (ii) Deduct - Amount met from the Fund for financing "Private Irrigation Works". (2) Government Bihar, Revenue Department letter No. 7037/IIIE-103, dated the 14th December, 1940, to all District Officers (including the Additional Deputy Commissioner, Dhanbad). Subject. - Procedure for recording measurement, preparation of bills, acceptance of agreement, etc., for works under the Private Irrigation Works Act, executed through the agency of contractors. I am directed to say that the Accountant-General, Bihar, has brought to the notice of Government that measurement for works under Bihar Private Irrigation Works Act executed by the agency of contractors are not recorded in "measurements books" by the overseer who at present takes measurements in loose sheets of papers on the basis of which bills are prepared and paid for. In some cases agreements are not entered into with the contractors and payments are made at the rates approved by the Civil Sub-divisional Officers. Moreover, bills of contractors are not prepared in the forms prescribed in the financial rules Form nos. 13, 14 and 15, contained in the Bihar and Orissa Account Code. All these have led to a considerable difficulty in audit office in auditing the expenditure relating to works under the Private Irrigation Works Act.

**2. Government have, therefore, decided that the financial Rules contained in paragraphs 159-163, 174-176, 200, 200-209 and 215-221 of the Bihar and Orissa Account Code in respect of acceptance of agreements, recording of measurements in "measurement books" and preparation of bills in the prescribed manner should be strictly followed in future. I am, therefore, to request that you will be good enough to bring these instructions to the notice of all officers concerned of your district.**

(3) Notifications Patna, the 30th December, 1950. No. 6203-L. R./III-E-IV-92/50. - In exercise of the powers conferred by subsection (1) of Section 37 of the Bihar Private Irrigation Works Act, 1922 (Bihar and Orissa Act V of 1922), hereinafter referred to as the said Act, and in supersession of the orders issued in Notification No. 2390-III-EVI- 9/50-L.R., dated the 1st June 1950, the Governor of Bihar is pleased to direct that the Irrigation Committee appointed for any district under sub-section (1) of the said Section shall be consulted by the Collector in the discharge of his functions and the performance of his duties under the said Act, in respect of the following matters, namely :- (a) taking

action under Section 3 of the Act, in respect of the repair, extension or alteration of an existing irrigation work;(b)taking action under section 5A of the Act in respect of the repair of an existing Irrigation Work;(c)in selection of the agency under Section 21 (1) or 35A of the said Act;(d)taking action under Section 32A of the said Act in respect of the acquisition, extension, alteration or repair of an existing irrigation work which the owner thereof is under no obligation to maintain but which benefits or is likely to benefit any village or local area within the district; and(e)taking action under Section 32B of the Act in respect of the construction of any new irrigation work.(4)The 17th December, 1942.No. 5707-III-E-36/42-R. - In exercise of the powers conferred by Section 45 of the Bihar Private Irrigation Works Act, 1922 (Bihar and Orissa Act V of 1922), the Governor of Bihar is pleased to confer on all Deputy Collectors holding charges of Sadar Sub-divisions all the powers and duties of Collector under the said Act to be exercised and performed by them throughout the district, in which they are respectively posted.(5)The 21st December, 1942.Government of Bihar, Revenue Department, letter No. 5853-III E-30/42-R., dated the 21st December, 1942.Subject. - Investment of the Additional District Magistrates with the powers under the Bihar Private Irrigation Works Act, 1922 (Act V of 1922).With reference to your letter on 6-4-8, dated the 29th September 1942 and No. 6-4-12, dated the 24th October 1942, I am directed to say that as all Deputy Collectors appointed to hold charge of Sadar Sub-divisions of all districts have been vested with the powers of the Collector under the Bihar Private Irrigation Works Act, 1922 (Bihar and Orissa Act V of 1922), to be exercised thought the district, Government consider that the Additional District Magistrates need not be saddled with this work.(6)Form ANotice under Section 35 A (2).[Rule 3(2).]Take notice that on the ..... of ..... 19 ..... at (place) ..... I shall proceed to apportion the costs incurred in respect of the construction, alteration, extension, or repair of the irrigation work regarding (including the cost incurred in acquiring the irrigation work or any land under Section 32-A or 32-B) to such person or amongst such persons, whether landlords or tenants in such proportion as may seem to me to be fair and equitable.In making such apportionment, I shall have regard to the benefit resulting or likely to result from the irrigation work and any other consideration which in the circumstances of the case, I shall consider it fair and equitable to take into account.All persons interested or concerned are called upon to attend at the place named above on the date specified.Date.....Collector ofPlace.....Form B(Rules 11 and 14)Cash Book.

| Serial no. | Date. | Particulars of receipts or expenditure. | Amount of receipts. | Account of expenditure. | Daily balance. | Voucher no. | Remarks. |
|------------|-------|---|---------------------|-------------------------|----------------|-------------|----------|
| 1          | 2     | 3                                       | 4                   | 5                       | 6              | 7           | 8        |

Form C(Rule 14)Form of Collection Register.Year.....Village.....

| Serial no. | Name of assessee. | Number in ledger, account. | Receipts. | Total receipts for the days. | Voucher no. | Remarks. |   |
|------------|-------------------|----------------------------|-----------|------------------------------|-------------|----------|---|
| Current.   | Arrear.           | Total.                     |           |                              |             |          |   |
| 1          | 2                 | 3                          | 4         | 5                            | 6           | 7        | 8 |

Form D(Rule 14.)Form of assessee ledger account.

| Serial no. | Name.   | Date.  | Demand. | Realization. | Balance. |
|------------|---------|--------|---------|--------------|----------|
| Current.   | Arrear. | Total  | Current | Arrear.      | Total.   |
| Current    | Arrear. | Total. | Current | Arrear.      | Total.   |

1                      2                      3                      4                      5                      6                      7                      8                      9                      10 11 12

Form E(Rules 11 and 14)

Dated.....

Dated.....

No. ....

No. ....

Received from .....  
on account of ..... Rupees  
(in words) ..... (Figures)

Received from ..... the sum  
of Rupees ..... on account  
of.....

Rs. p.

Rs. p.

.....Collector.

.....Collector.

Standard Forms of Notices And Orders Under Sections 3 and 5 Notice Under Section 3(i)(To Landlords.)Whereas it appears to the Collector of ..... (a) that the repair of an existing irrigation work, namely ..... situated within your land in village (s) ..... Police-Station ..... District ..... (Here mention the name of other village, if any.) is necessary for the benefit of the aforesaid village (s) and that the failure to repair such irrigation work adversely affects (or is likely to affect adversely) the lands which are dependent thereon for a supply of water or (b) that it is desirable for the purpose of [.....] [Here state the purpose.] that [.....] [Here specify the nature of the work.] should be constructed in the irrigation work, namely, ..... situated within your land in village (s) ..... police-station ..... in order to regulate the supply or distribution of water for irrigation purposes,And Whereas he is satisfied that his intervention is necessary your above-named village(s) are hereby informed that he intends to take action under Chapter II of the Act for the repair/alteration/extension of the said work and that for this purpose he will hold an enquiry under Section 4 of the Act on (date)..... at (place) ..... Date ..... Collector of .....(To General Public.)Whereas it appears to the Collector of ..... (a) that the repair of an existing irrigation work, namely, ..... situated in ..... village (s) ..... police-station ..... district ..... is, necessary for benefit of the aforesaid village (s) and other villages noted on the margin and that failure to repair such irrigation work adversely affects (or is likely to affect adversely) the lands which are dependent thereon for a supply of water or (b) that it is desirable for the purpose [.....] [Here state the purpose.] that [.....] [Here specify the nature of the work.] should be constructed in the irrigation work, namely, ..... situated in the aforesaid village(s) ..... police-station .... in order to regulate the supply (or distribution) of water for irrigation purposes,And Whereas he is satisfied that his intervention is necessary it is hereby notified that he intends to take action under Chapter II of the Act for the repair/extension/alteration of the said work and that for this purpose he will hold an enquiry under Section 4 of the Act on (date) ..... at (place) ..... Date ..... Collector of .....Notice under Section 3(ii) to the person (s) believed or known to be under an obligation to maintain the work.N.B. - Cancel (a) or (b) as the case may be.( ) Cancel, if necessary.(Vide Board's no. 6-24.17, dated the 9th October, 1942)Whereas it appears to the Collector of ..... (a) that the repair of an existing irrigation work, namely, situated in village(s) ..... police-station ....., District ....., is necessary for the benefit of the aforesaid village (s) and other villages noted on the margin and that the failure to repair such irrigation work adversely affects (or is likely to affect adversely) the land which are

dependent thereon for a supply of water or (b) that it is desirable for the purpose of [.....]  
 [Here state the purpose.] that [.....] [Here specify the nature of the work to be done.]  
 should be constructed in the irrigation work, namely in the aforesaid village(s) .....  
 police-station ....., in order to regulate the supply (or distribution) of water for irrigation  
 purposes. And Whereas he is satisfied that his intervention is necessary and as you.....are  
 known or believed to be under an obligation to maintain the aforesaid work in an efficient state you  
 are hereby called upon to show cause on (date) ..... at (place) ..... why you should not be required to  
 repair/extend/alter the work aforesaid. Date.....Collector of.....Order under  
 Section 5 to the person or persons known or believed to be under an obligation to maintain the  
 irrigation work. Whereas after making an enquiry under Section 4 of the Act, the Collector of  
 ..... is satisfied (a) that the state of disrepair of the irrigation work, namely, .....  
 situated in village(s) ..... police station, is ..... district such as affects (or is likely to  
 affect) materially, the irrigation of lands which are dependent thereon for a supply of water or (b)  
 that for the purpose of [.....] [Here state the purpose.] it is desirable that  
 [.....] [Here specify the nature of the work to be done.] should be constructed in the  
 irrigation work, namely, situated in the aforesaid village (s) police station. in order to regulate the  
 supply (or distribution) of water for irrigation purposes. And Whereas notice(s) under clause (ii) of  
 Section 3 of the Act having been served, you ..... have agreed to carry out the said work, it  
 is hereby ordered that the said work of repair/extension/alteration which is estimated to cost about  
 Rs. .... shall be carried out, executed and completed by you within [.....] [Here  
 specify the time.] Failure to comply with the above order in the manner and within the time specified  
 herein (or within such further time as may be allowed by the Collector in writing) will render you  
 liable to such pecuniary penalty as the Collector may think proper in all the circumstances of the  
 case. Date.....Collector of ..... N.B. - Cancel (a) or (b) as the case may be. ( )  
 Cancel, if necessary. (Vide Board's no. 6-24-17, dated the 9th October, 1942.) Order under Section 5  
 in case the work is taken up through an agency. Whereas after making an enquiry under Section 4 of  
 the Act, the Collector of ..... is satisfied (a) that the state of disrepair of the irrigation  
 work, namely, ..... situated in village (s) ..... police-station ..... district  
 ..... is such as affects or is likely to affect materially the irrigation of lands which are  
 dependent thereon for a supply of water or (b) that for the purpose of [.....] [Here state  
 the purpose.] it is desirable that [.....] [Here specify the nature of the work to be done.] should  
 be constructed in the irrigation work namely, situated in the aforesaid village (s) .....  
 police-station.....in order to regulate supply or distribution of water for irrigation  
 purposes. And Whereas for the following reasons it is not desirable that persons on whom notices  
 under clause (ii) of Section 3 have been served should be entrusted with the carrying out of the  
 abovementioned work, it is hereby ordered that the said| repairextensionalteration| , which is  
 estimated to cost Rs. .... shall be alternation carried out, executed and completed by  
 (here mention  
 the agency) ..... (give reasons here) ..... Date.....Collector  
 of.....Notice under Section [11 (2)/8(3)] [Strike off '11(2)' or '8(3)' as necessary.] Case no.,  
 village[Notice to] [Here enter the name of the person to whom any sum has been apportioned.]  
 Take notice that the| repairextensionalteration| of the irrigation work, viz.,[.....] [Here  
 specify the nature of work.] has been carried out in village ....., thana, ....., district  
 .....

The cost of the work is Rs. .... inclusive of the cost of inspection, preparing plan, estimate and issuing notices. The amount mentioned in the enclosed award showing your share is payable by you into the treasury at ..... by instalments and on dates specified therein. If you fail to deposit the amount of each instalment on the due date it shall be recovered as a public demand. Date ..... Collector of ..... N.B. - Cancel (a) or (b) as the case may be. ( ) Cancel, if necessary. (Vide Board's no. 6-24-17, dated the 9th October, 1942.)

Award statement under Section 11(1)\*8(2)

\* Strike off 11(1) and 8(2) as necessary. (Vide Boards' no. 6-4V-11, dated the 8th October, 1942.)

| SI. no.          | Name, parentage, caste and residence of the person or persons by whom the amount is payable. | Amount of the demand in full. | Fixation of instalments and date of payments. | Remarks. |
|------------------|--|-------------------------------|---|----------|
| Date of payment. | Amount   |                               |   |          |
| 1                | 2  | 3                             | 4   | 5        |
|                  |  |                               |   | 6        |