

CHHATTISGARH IRRIGATION ACT 1931

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irrigating compulsorily assessed area. Construction of water-courses for irrigating a chak. Irrigation Panchayat to be responsible for maintenance of water courses. Power to construct water-courses at cost of permanent holders. Water-courses to be an improvement. Power to require raiyats in raiyatwari village to maintain water-courses. Power to have water-courses repaired. Recovery of sums due to State Government. Power to make rules. CHAPTER-VITI-A Construction and maintenance of field channels Power to apply provisions of this Chapter. Power to require permanent holders and occupiers to construct or dig field channels. Apportionment and recovery of expenses where work undertaken by Executive Engineer. Permanent holder or occupier to comply with the order of Executive Engineer. Maintenance of field channels. Obstruction or interference with water flowing in field channel prohibited in certain cases. Bar of suits and proceedings. Power to make rules. 90 90 90 90 91 91 92 92 92 92 92 92 93 93 93 93 94 94 94 95 95 96 96 97 97 97 98 Settlions 76. 76-A. 77. 80. 82. 83. 84. 85. 86. 87. 88. 89. 89-A. 89-b 89-c. 89-1). 89-E. 90. 91. -A. 91 -B. 91 -C. 91 91 E. F. -G. 91 -H. 91 91- 91-J• 91 -K. MADHYA PRADESH IRRIGATION ACT, 1931 CHAPTER-IX Construction and maintenance of private irrigation works Power to make grants or loans for construction private irrigation works. Grant of permission to permanent holder to construct dam. etc., in any river, natural stream, etc. Power to enforce maintenance of grant-in-aid irrigation works. Applications for acquisitions of land for grant-in-aid irrigation works Demarcation of land required for grant-in-aid irrigation works and estimate of cost. Power of State Government to direct acquisition of land for grant-in-aid irrigation works. Acquisition of land for grant-in-aid irrigation works. Applications for acquisition of land for private irrigation works. Inquiry to be made by Collector. Demarcation of land required for private irrigation works and estimate of cost. (Power of State Government to direct acquisition of land for private irrigation works. Acquisition of land for private irrigation works. Conditions of delivery of occupation to applicant. Delegation of powers by State Government. Result of applicant's failure to construct work or comply with conditions. Acquisition of the right of supply through an existing private water-course. Construction of a private water-course. Occasional supply of water through private water-course. Obligation of person owning or using private water-course. Application of sections 89-A to 89-D. Compensation for damage. Power to make rules. CHAPTER-IX-A Requisitioning of tanks etc. Commencement of Chapter. Requisitioning of tanks, etc. Payment of compensation. Preparation of list of all land commanded by a tank. Release from requisition. Power to acquire requisitioned property. Limitation for claims against the Government. Power to remove difficulty. Rules. Delegation of power. Interpretation. 65 98 98 99 100 100 100 100 ICO 101 101 101 101 102 102 102 103 103 104 105 105 106 106 106 107 107 108 109 109 109 109 109 66 92. 93. 94. 95. 96. 97. 98. 99

100. THE MADHYA PRADESH IRRIGATION ACT, 1931. CHAPTER-EX-B Rules, (Enacted. CHAPTER-X) /Enacted. General provisions regarding rules. Power to make rules. (Penalties. to private persons. Power to order repairs to be done. Power to remove person causing mischief. Power to arrest person causing mischief. of offences. Repeal and savings. 1 12 112 112 MADHYA PRADESH IRRIGATION ACT, (No. 3 of 1931) I An Act to consolidate and amend the law relating to Irrigation in Madhya Pradesh. Preamble Whereas it is expedient to consolidate and amend the law relating to irrigation in [Madhya Pradesh], and whereas the Governor-General has given his previous sanction to the passing of this Act as required by sub-section (3) of section 8-A of the Government of India Act; is hereby enacted as follows. (1) This Act may be called the Madhya Pradesh Irrigation Act, 1931. It extends to and shall be in force in the whole of Madhya Pradesh. CHAPTER-L Definition 2. (1) Unless there is anything repugnant in the subject or context, any expression used in this Act which is defined or explained in the Central Provinces Land Revenue Act, 1917 (11 of 1917), or in the Central Provinces Tenancy Act, 1920 (I of 1920) shall have the meaning therein assigned to it. (2) Every expression, which is defined or explained in any part of this Act, is used in every part of this Act in conformity with such definition or explanation. 3. "Canal" includes 67 Short title, extent and commencement. Canals. b) all canals, channels and reservoirs including submerging tanks, tubewells, drainage works, and lift irrigation works constructed, maintained or controlled by the State Government for the supply or storage of water for irrigation; all works, roads, embankments, structures, supply and escape channels connected with, or constructed for the purpose of facilitating the construction or maintenance of such canals, channels or reservoirs; 3. 4. S. For Statement of Objects and Reasons and Report of Select Committee, see Central Provinces Gazette dated the 7th February, 1931 and 1st August, 1931, Part V 11, pages 9 to 34 and

47 to 69, respectively, For discussion, see Central Provinces Legislative Council proceedings, dated the 25th February, 1931 and 28th August, 1931, pages 296 to 299 and 169 to 193 of Volumes and It. respectively. Subs. by M. P. Act-23 of 1958, S. 3 (4), for "the Central Provinces and Berar" Subs. by S. 3 (3), Schedule, Part A, item 26, ibid. Now see M.P. Land Revenue Code, 1959 (20 Qf 1959). sub. by M.P. 42 of 1973. S. 2. 68 Water-course. Field channel. Canal system. Private irrigation work. Private water Grant-in-aid irrigation work. Commanded. THE MADHYA PRADESH IRRIGATION ACT, 1931 all uncompleted works which, when completed, will fall within clause (a) or (b) ; and (d) all land acquired or set apart for any of the above, but does not include a water-course. 4. "water-course" means any channel which is supplied with water from a canal but is not maintained at the cost of the Government, and all subsidiary works belonging to such channel [and includes a field channel constructed in accordance with the provisions of this Act. [4-A. "Field channel" means a channel which conveys or distributes water from an outlet or an opening in a water-course for irrigation of fields belonging to private owners.] 5. "Canal system" means all canals supplied from one or more common sources or head-works, together with all water-courses supplied therefrom and all lands commanded thereby. 6. "Private irrigation work" means a work, which is not the property of the Government, constructed or maintained for the supply or storage of water for irrigation, [and includes a private water-course.] 3 "Private water-course" means a water-course constructed at the cost of a permanent holder.] 3 7. "Grant-in-aid irrigation work" means a private, irrigation work constructed or improved by or on behalf of a permanent holder partly or wholly by means of a grant of money from the Government

8. Land is said to be commanded by a canal when it may be irrigated from that canal by the flow of water under gravity, and without the need of lifting or pumping the water Provided that the Executive Engineer, with the previous sanction of the Superintending Engineer, may declare any land to be not commanded if it can be irrigated only by an excessive expenditure of water or by means of a water-course which through an area which the Executive Engineer considers it desirable to avoid Explanation. —Land which would not otherwise be commanded may become commanded by the construction of a crossing for the passage of water across a natural drainage, channel or ridge. 3, 4, Added by M.P. Act 23 1960 S

2. Ibid.S

3. Ins. by M. P. Act 23 of 1958, S. 3 (3) Schedule part A, item 26. Words "or of obstructing its flow in a canal or water course" omitted by C. P. and Berar Act 55 of 1948. S. 2. b) THE MADHYA PRADESH IRRIGATION ACT, 1931 the the annual papers classed (1 village under any description Which the State Government may, by rules made under this Act, declare to have the meaning of 'wet' for the purposes of this or it has been declared by (h) : Executive Engineer of the Superintendent of Irrigation. Land is said to be when— is commanded is tined cultivation it not [Explanation.—Land which has been cultivated with any from crop at any time during the year an irrigation arrangement has effect shall be deemed to be under cultivation.] in the State is opening, constructed by in "outlet" 11. in a canal, through which water is delivered in Government] 2 directly on to any land. to ? Water-course or land on one side of a A "chak" 1 hat area of 1) canal, or below a tail, which would be by a single the nearest possible outlet so situated that it area of land on that side of the canal in that neighbourhood. Explanation.—The fact that, in order to secure a more efficient flow of water, two or more outlets are constructed for one chak, does not convert that chak in two or more chaks. (2) In cases of doubt, the Executive Engineer shall have, power to determine the boundaries of chaks and in all cases he shall have power so to determine them that no single chak shall include land in more than one village. 'Compulsorily assessed area' means fixed as compulsorily assessed to rate under this Act Wet. Irrigable. Outlet. Chak. Compulsorily area. 69- assessed 13. An outlet of such constructed as, occupier of land is person] 11, 12 (ling- and means and includes a tenant and . Act 1948, S. 3. 0 1937. and Berar Act of 1945. S. P, Act 23 of 1960, S

4. Bhumi- Permanent holder. 2. 3

4. Su bs. Subs. P by XI. 70 Canal Water-rate. Canal officers. Canal system THE MADHYA PRADESH IRRIGATION ACT, 1931 [15. der chapter VI 'all sums, abk to the Government for the use of. right 10 use of: "3 Etc of Water from, a canal.] 1 16. A 'water-rate' is the amount of canal revenue payable for the use of water or for the right to use water for irrigation or a single crop on one acre of land. Explanation—A single crop includes five crops of the same product within the same year. s ! evied

un- nan-tels- 18. CHAPTER-11 Canal a, id their charges and powers T tierc shall bc the {ollowing classes of canal omcers, The Chief Engineer Superintending Engineers Execu tive Enginecrs Sub-Divisional Officers and Canal Deputy Collectors. (1) The State Governnusnl- may group together in- to circles arcas in whi canals have been or are to be construct- ed and may divide circles in to divisions, and divisions into sub-divisions. (2) The State Government may at any time born new circles, divisions or sub-divisions, abolish existing circles, divisions or sub-divisions, or alter the limits or existing circles, divisions or sub-divisions. (3) The State Government shall appoint a Chiel* Eng- ineer to bc. in-charge of the irrigaGon department gnerally, a Superintending Engineer to be in-charge of each circle, an Ex- ecutive Engineer to be in-charge of each division, and a Sub Divisional Ofcer to be in charge of each sub-division. (4) The, State Government may appoint persons to be additional canal officers in any sub-division, division or circle, and may Invest them anv or all of the po\vers of a Sub-Divisiona! Officer, Executive Eng;neer or Superintending Engineer, rc- spectively. 115') The State Government may invest Superintending Engineers with the power to appoint Sub-Divisional Oflicers to sub-divisions Wii their circles. Additional canal omcers, [18-A. The State Government may, by noti fication in the Official Gazette, anpoint the Canal ()fficers of any ncigh- bouring State to be Additional Canal Off!ce.rs in anv sub-division or circle of this State and to exercise such powers and to pct- form süch duties under this Act as may be specified in noti- fical.ion.le subs. bv M. P. Act 42 of 1973, S

3. Ins.by ST. P. Act 23 of 1958, S. 3(3), Schedule. Part--A, hem 26. THE MADHYA PRADESH IRRIGATION ACT, 1931 19. T be Chief Engineer shall be sol)cvdinate to the State Government ; other canal olhcers shall be subordinate to all ttle Chief all canal officers in a circle shall be subordinate to the Su perintending Engineer; and all canal officers in a division shall be subordinate to the Executive Engineer. 20. (1) The State Government may appoinl a Canal Deputy Collector to one or more divisions. (2) A Canal Deputy Collector Shal] bc subordinate to the Executive Engineer of any division to which he is appointed. I lic State Government may invest a Canal Deputy Collector with any or all of the p)wers of a Sub-Divisional Officer under this Act, and may invest a Sub-Divisionai Ofcer with all or any of the powers of a Canal Deputy Collector. The Chief Engineer vnay. subicct to n-lle.s made 21. under this Act, divide a sub-division into subordinate charges, may appoint canal subordinates to such charges. and may prescribe the duties of such subordinates. (2) All canal subordinates in a sub-division Shai' be sub- ordinate to the Sub-Divisional Officer. (3) "The State Government may, by notification, luve.st any subordinate Vt-ith anv of the powers of eana] officer, except a povcer to decide appeal. (4) The Chief Engineer mav subject to rules made under this Act delegatc to Superintending Engi accrs or to Executive Engineers any or all of his powers under sub-section(1). \When under this Act any duty is to be perfomed or power is to be exercised by a canal officer, and the class of canal officer is not specified, rules made under this Act regulating the performance of such duty or exercise of such power I-nay prescribe the class of canal officers by which it is to be performed or exercised. (2) In addition to the above, rules rnayr be made under this Act prescri bing generally the class of canal ofcer who is to perform any duty or exercise anv power which, under this Act, is to be performed or exercised by a canal officer. (3) Vv"hen the class of canal ofcel.- who is to perform any duty or exercise anv power under this Act is not prescribed under sub- section (1) or sub-section (2), such duty shall be performed or such power exercised by- the Sub-Divisional Officer. 71 subQ7dinat10n of canal officers. C anal Deputy Collectors. Canal Subordinates Power to allot duties among canal omcers. THE PRADESH IRRIGATtON AC'i'. made thereun(ker. shall lie fi•om an order passed Conl- (!oltector] subordinate. or The inq appeals shall lic a (e if an order urider section 34 is passed by a [Collector] canal officer, to the Conunis- slQner ; if an orcier under section 3b is passed by a canal ofcer subordinate to the Executive F,ngi- neer. to the Executive Engineer: if an order under section 44 is passed by a canal officer, to the iCollector] ; if an order under section 47 is passed by a canal subordinate; to the Canal Deputy Collector or Sub-Divisional Ofrrer; and, if it is passed by a Canal Deputy Collector or Sub-Divisional Officer otherwise Lluan on appeal, to the Executive Engineer ; if an order under section 56 is passed by a Super- intending Engineer, to the Chief Engineer ; if an order under sub- section (1) of section 62 is passed by a l. to the Comrmissioner; and if all order under section 73 is passed by an to the Superintending Executive En gineer. Engineer. (3) No appeal shall lie— (b; (c to the Coniinissioner or CAhief Engineer-after the expiration of sixty days fimom the date of the order to which objection is made; or to the [C.:ollectorll, Superintending Engineer or Executive Enginc.er—afucr the expiration of thirty the date of the order to vv•hich davs objection is rna.de; or to the Canal Deputy

Collector or Sub-Divisional after the expiration of ten days from the Officer- date of communication tac order to which objection is made: Provided that no appeal shall lie to the [Collector] against an order passed by an Executive Engineer under section 44 either after the expiration of thirty days from the date of such order or after the cutting of the crop for whose irrigation the water was supplied. (4) An appeal may be admitted after the period of limitation prescribed therefor if the applicant satisfies the appellate authority that he had sufficient cause not preferring the appeal within such period. 1. Subs. by M. P. A. O. for "Deputy Commissioner." THE MADHYA PRADESH ACT, 1931 73 (5) No appeal to a canal officer shall require to be stamped. (6) No legal practitioner shall be permitted to appear in any appeal under this Act or under the rules made thereunder except in appeals before the Commissioner. (7) Rules may be made under this Act providing for appeals from the orders of canal officers and canal subordinates, regulating the procedure to be followed in such appeals: and prescribing periods of limitation therefor. (8) Such rules may require that specified appeals or classes of appeals shall lie only to a specified revenue officer

24. A Commissioner may, at any time, inquire into the propriety of any order passed by a [Collector] who is subordinate to him, and any canal officer may, at any time, inquire into the propriety any order passed by a canal officer or canal subordinate who is subordinate to him, and may pass such order in reference thereto as he may think fit: Provided that he shall not reverse or vary any order so as to affect adversely the rights of any private person without having given to such person an opportunity to be heard.[25. The Canal Officer conducting an enquiry in the discharge of his

duties under this Act, or the rules made thereunder shall have the powers of a civil court under the Code of Civil Procedure, 1908 (V of 1908), for the purposes of receiving evidence, administering oaths, enforcing the attendance of witness and compelling the discovery and production of documents and all such proceedings under this Act and the rules made thereunder shall be deemed to be judicial proceedings within the meaning of section 228 of the Indian Penal Code, 1860 (No. 45 of 1860) CHAPTER—III RIGI/ 7S TER 26. All rights in the water of any river, natural stream or natural drainage channel, lake, natural lake or other natural collection of water shall vest in the Government, except to the extent to which rights may have been acquired in water by a notification published under section 27 prior to the publication of such notification. When the State Government proposes to construct a 27. canal, it shall publish a notification declaring its intention and indicating the site of the head-works, and thereupon no right shall be acquired against the Government under section 15 or section 16 of the Indian Easements Act, 1882 (V of 1882) in the any river, natural stream or drainage channel, lake or other natural collection of water, any of whose waters supply canal when constructed. i. Subs. by M.P. A. O. Por "Deputy Commissioner". Revision. Canal officers to have certain powers of civil court Government's water. Bar of accrual right in of rights in water to the detriment of a projected canal. 74 Bar of accrual of rights in water to the detriment of an existing canal, Rights to supply of water from a canal. Compensation for damage. Power to enter and survey, etc. THE MADHYA PRADESH IRRIGATION ACT, 1931 28. No rights shall be acquired against the Government under section 15 or section 16 of the Indian Easements Act, 1882 (V of 1882) , in the water of any river, natural stream or natural drainage channel, lake or other natural collection of water, any of whose waters supply a canal existing or under construction at the commencement of this Act

29. No rights shall be acquired against the Government, whether under section 15 or section 16 of the Indian Easements Act, 1882 (V of 1882), from a canal, save in accordance with the provisions of this Act or under a grant from the Government.30. (1) No claim

for compensation shall lie against the Government for any damage arising from— (a) (b) (c) the stoppage or diminution of the percolation or flow of water; or the deterioration of climate or soil ; or the stoppage of navigation, or of the means of drifting timber or watering cattle: Provided that compensation shall be payable where, as a result of the construction of a canal.— (i) the rent or revenue of any land has been reduced, or (ii) the supply of water to or from a tank or other constructed work has been diminished. (I— A) In determining the amount of such compensation, regard shall be had to the diminution in the market value, at the time of awarding compensation of the property which compensation is claimed and where in respect of such market value is not ascertainable the amount shall be reckoned at fifteen times the amount of the diminution of the annual net profits of such property, caused by the exercise of the powers conferred by this Act. 11 (2) Claims under this section may be enforced by application within one year from the reduction made to the [Collector]2 tion of the rent or revenue, of the diminution or the supply. (3) Any person aggrieved by the decision of the [Collector]2 under sub-section (2) may, within six months from the date

of such decision, institute a suit in a civil court to have such decision set aside or modified. CHAPTER-IV
CONSTRUCTION AND MAINTENANCE OF CANALS (1) Any canal officer, or any person acting under his special order of a canal officer, may— ins. by P. Act 23 of 1958, S. 3. (3). Schedule, Part A, item 26

2. Subs. by M. P. A. O. 1956 "Deputy Commissioner." (a) (c) (e) THE MADHYA PRADESH IRRIGATION ACT, 1931 enter upon any lands adjacent to any canal or water-course or through which any canal or water-course is to be made, and undertake surveys or levels thereon; dig and bore into the sub-soil; make and set up suitable land-marks, level-marks, water-gauges and other apparatus; do all other acts necessary for the proper prosecution of any inquiry relating to any existing or projected canal or water-course under the charge of the said canal officer; where otherwise such inquiry cannot be completed, cut down and clear away any part of any standing crop, fence or jungle; and enter upon any land or building for the purpose of inspecting or regulating the use of the water supplied, or of measuring the lands irrigated thereby or chargeable with canal revenue and of doing all things necessary for the proper regulation and management of any canal : Provided that, if such canal officer or person proposed to enter into any building or any enclosed court to a attached dwelling-house, he shall give the occupier of such building or court at least three days, notice in writing of his intention to do so. (2) After entry under this section, the canal officer shall, before leaving, tender compensation for any damage which may have been caused by any proceeding under this section ; and, in case of dispute as to the sufficiency of the amount so tendered, he shall refer the matter for decision by the [Collector] such decision shall be final, and no suit shall lie in a civil court to have it set aside or modified. (1) In case of any accident happening or being apprehended to a canal, any canal officer or canal subordinator, or any person acting under his general or special orders in this behalf, may enter upon any lands adjacent to such canal, and may execute all works which may be necessary for the purpose of repairing or preventing such accident. (2) In every such case the Executive Engineer shall tender compensation to the proprietors or occupiers of the said lands for any damage caused thereto. If such tender is not accepted, the Executive Engineer shall refer the matter to the [Collector] and compensation for the damage shall be determined though the State Government had directed the [Collector] to enter for repairs and to prevent accidents. occupation of the land under Act, 1894 (1 of 1894). 1. subs. by M. P. A. O. 1956 Cor Part VI of the Land Acquisition "Deputy Commissioner." 76 THE MADHYA PRADESH IRRIGATION ACT, 1931 Power to prohibit obstructions or to order their removal. Government to provide means of crossing canals

33. Whenever it appears to the State Government that injury to any land or to the public health or public convenience has arisen or may arise from the obstruction of any river, stream or drainage channel, it may, by notification published in the Official Gazette, prohibit, within limits to be defined in such notification the formation of any or may, within such limits, order the removal or modification or such obstruction. (1) The [Collector] or any canal officer authorised by the State Government in this behalf, may, after such notification is issued, order the person causing or having control over any such obstruction to remove or modify it within a time fixed in the order.. 2) If, within the time so fixed, such person does not comply with the order, the [Collector] or side canal officer may remove modify the obstruction, and the expenses incurred in such removal or modification shall be recoverable as arrears of land revenue. 35. (1) In accordance with rules made under this Act a revenue officer and canal officer shall make a joint inspection of all canals to be constructed and maintained at the cost of the Government, and shall make a second joint inspection of all such canals after not less than three years from the completion of such canals and shall report to the [Collector] in their opinion. means a. crossing such canals should where,, he provided for the reasonable convenience of the inhabitants of the adjacent lands. "2) The State Government shall cause suitable means of crossing such canals to be constructed at the cost of the Government at such places as it thinks fit. If at any time after the second of such inspections five or more of the permanent holders of such lands apply to the [Collector] for the construction of further means of crossing, he shall cause an inquiry to be made and, if he thinks that further means of crossing should be constructed, he shall forward his opinion to the State Government, which shall cause such measures to be taken as it thinks proper: if the local inhabitants deposit, half the estimated cost of constructing such a means of crossing for the passage of traffic, the State Government shall cause it to be constructed such crossing to be the property of the Government, and if the estimated cost exceeds the actual cost, [the State Government] shall refund half the difference: Provided further that, if the [Collector]

, I h.a.s once caused an inq to be unc\cr this section, il shall not be necess- hiyn to cause a second inquiry to be. made into the same Inatter. rur ' 'DeaQty ' '_ommi±-sioncf' by M. P. •es,.vernmeni shar refund". MADHYA PRADESH IRRIGATION ACT, 1931 (4) No suit lie ill a civil court against the (Governntnt to enforce the construction a cv-jssing of a can a], or to enforce the altccation a crossing or for compensation for damage arising froin the absence or inadequacy of any crossing, or to modify or set aside any scheme framed or order passed under this section. Explanation.—Suitable :means of crossing canals include means for the passage of traffic and of water. 36. (1) it appears to the Executive En zineer, or to any Sub-Divisional Officer acting under his general ar speci al orders in this behalf, that, unless some work is immediately execu ted, such scrious damage will happen or continue tc any canal as is likely to cn use or continue to cause serious public in- jurv or serious interruption of the normal course of irrigation, and (hat the labour necessary for the proper execution there- of cannot be obtained in the ordinary manner in time to pre- vent such injury or interrup or to remedy vvithin a reaso- nable time* the Executive Engineer, or any Sub-Divisional Officer acting under the said orders, may by public proclamation by beat Of drum, require every permanent holder and occupier of irrigable land resident in any village within five Illiles of the place where the work is to be executed, and every agricultural labourer employ ed bv them. to attend in person at such place and to carry out such duties as mav be allotted to Illt:m. (2) If, in the opinion of the Execu tive Engineer, or of any Offccr acting under the said orders, the amount Df labour likely to attend in pursuance of an order under sub- section (1) is not suflicient, he mav at anv fir-nc in like r-nanner and subiect to the same conditions, issue a like order requirin& tnc attend,tne [of all resident within five miles nf the place wherc, the is to be executed. (3) The rates or svages to be paid such work shall exceed those currellt in Ehe neighbourhood far similar work, and anv person attending in compliance Ch the procoamalion sh all be paid the whole. period during \.which he is thereby preven ted from followinø his ordinary occupation. (4) No person shali be required to carry Oil t anv du ties under this section for i\hici2 such F erson is unfil ted bv reason of ag c, sex [or bodilv infirnhiy.r Suhs by M. P. Act 2 of 1953. S. 2 (1) for "of all or of agricultural labourers, or of '00th". by S. 2 Üor ' •bodily infirmity of social position" 77 PQwer to impress labour in emergency 78 Purpose for which water map be supplied. Reduction or remission or charges for supply of water. Submerøing tank. THE MADHYA PRADESH IRRIGATION ACT, 1931 CHAPTER - v OF WATER I,ROM 37. (d) (2) THEREFOR Water may be supplied from a canal under an Irrigation agreement, in accordance with the provisions of Chapter VT. on demand, for the irrigation of specified areas to supplement a village tank for industrial, urban or other purposes not con- nected with agriculture för the irrigation of a ccnnpulsorily assessed arca.] 1 Charges for the supply of water under clause (a), [(b), IC) or (e)] 2 of sub-section (1, shali be paid at such rates as may be fixed by the State Government in accordance with rul# Inade under this Act. [37-A. Notwithstanding anything contained in this Act or the rules made thereunder, the State Government mav, by notification, reduce remit the whole or any part of the charges for the supply of water under sub-section (1) of section 37.13 [37-B. (1 'l The State Government may, on an appli- cation made by not less than fifty per cent of the permanent holders and occupiers of land in any particular arca for congduc- tiOLE of a submerging tank ill (hat arca, undertake the construc- tion of such tank at the cost of the Government subject 10 such terms and conditions as may be prescribed. !'2h the State Government undertakes to cons- truct a submerging tank under sub-section (1), the terms and conditions prescribed under sub-section (] , shall he binding on all the permanent holders and occupiers of land likely to be cover- ed by the submr•rging tank irrespective of the fact whether they are signatories to the application or not. submerging tanks constructed and main tained bv the State Government atc in exisience prior to the commence- ment of the Niadhya Pradesh Irrigation (Amendment) Act, 1973, the terms and conditions prescribed under sub-section (1) shall be binding on all the permanent holders and occupiers of lands covered bv the submerging tank. 14) The Canal Officer or any other officer authorised- for execution for the purpose of this section shall during the period between 15th September and 1st October everv year, in the pre- sence of the permanent hoJders and occupiers or their representa- tives-in-interest mark out the land actually submerged under water of the su bmcrc;ng tank in the village map by a contour line, and obtain signatures on the tnap of the permanent hoders and occupiers or their representatives-in-interest present on the o

3. Ing _ Suh. I ns. Petar Act M c f 1945 (*i), ibid, for "(b) or (c)" . and Ferar Act 55 of 1948, S

4. MtWHYA PRADESH IRRIGATION ACT, 1931 I 'he pcernlarxent and occupiers of lands with- in the contour line on the map slit ; kiable to pav i.vater-rz;tc at such rate,;; as mav bc cletermirk_rd bv

rules.] (1) Water may be supplied from a canal at any time for the irrigation of specified areas at the discretion of the Executive Engineer. Water supplied on demand shall be paid for according to the area actually irrigated. In the determination of such area the decision of the Executive Engineer shall be final and shall not be modified or set aside by any civil court. The water-rates for such supply are called 'demand rates' (3) Rules may be made under this Act regulating the procedure of canal officers in receiving applications for water on demand, in supplying water on demand, and in assessing canal revenue.

39. (E) Water may be supplied at any time to supplement a village tank at the discretion of the Executive Engineer. (2) Rules may be made under this Act prescribing the conditions on which water may be supplied under this section, and regulating the procedure of canal officers in giving such supply

40. The conditions for the supply of for industrial, urban or other purposes not connected with agriculture, and the charges thereon, shall be as agreed upon between the State Government and the company, firm, private person or local body concerned and fixed in accordance with rules made under this (1) Water may be supplied from a canal at any time to irrigate a compulsorily assessed area in accordance with rules made under this Act. (2) Rules may be made under this Act prescribing the conditions on which water may be supplied under this section, and regulating the procedure of canal officers in giving such supply

41. Water for the irrigation of land, or to supplement village tanks, or for an industrial, urban or other purpose not connected with agriculture, may be taken only from such outlets as may be determined from time to time by the Executive Engineer for the special needs of such land, system or purpose. 4.2. If, as a result of the construction of a canal, the area irrigated from any private irrigation work in its proximity is increased beyond the area recorded as irrigable at the last settlement, the State Government may, without prejudice to its rights, if any, recorded at such settlement, direct that such water-rate as it may deem fit shall be charged on such increase of area: Ins. by M. P. Act. 42 of 1973, S. 5

2. Ins. by C. P. and Berar Act, I : of 1945, S. 4 79 Supply of water on demand. Supply of water to supplement village tanks. Supply of water for Industrial, urban other purposes. Supply of water to compulsorily assessed area. Control of supply of water from cutlets. Power of State Government with regard to irrigation from private irrigation works. 80 THE MADHYA PRADESH IRRIGATION ACT, 1931 Unauthorised use and waste of water. Rates for unauthorised use and "waste of water. Provided that no water-rate shall be charged, if on inquiry it is found that: the increase in the area has been due to improvement of the private work since the settlement. (1) Water is said to be used in an "unauthorised" 43. Inanner when its use gives rise to, or may be expected to give rise to, benefits of any kind and, (a) b) when it is allowed or caused to flow on to land, or into a village tank, or into a private system of irrigation, or into any system for the supply of water for an industrial, urban or other purpose not connected with agriculture, so that the owners or occupiers of such land or system thereby obtain for such land or system water to which they are not entitled under the provisions of this Act or of the rules or of any agreement or contract made thereunder; or when it is taken from any canal, outlet or water-course in contravention of any of the provisions of this Act or of the rules made thereunder or of any order by a canal officer passed thereunder. (2) Water which is allowed or caused to escape from a canal, water-course or field in such a manner that no benefits arise from its consumption is said to be "wasted". (1) Cultivated land on which water has been used in an unauthorised manner shall be subject to the payment of water-rates; such rates are called "rates for unauthorised use". (2) Rates for unauthorised use shall be payable, by the occupiers of the land concerned: Provided that, if such occupiers can prove to the satisfaction of a canal officer that the unauthorised use was due to the act or omission of another person, the canal officer may levy such rates, or apportion thereof, from such other person. (3) When water is used in an unauthorised manner otherwise than on cultivated land, the Executive Engineer may make an estimate of the volume of water used, and may determine the persons responsible for such use and the persons who have been benefited thereby. Such water may be charged for at bulk rates to be prescribed from time to time by the State Government, and the charges shall be distributed among the persons responsible and the persons benefited by such use at the discretion of the Executive Engineer. (4) When water is wasted, the Executive Engineer may make an estimate of the volume of water wasted, and may determine the persons responsible for such wastage. Such water may be charged for at bulk rates to be prescribed from time to time by the State Government, the charge; shall be distributed among the persons responsible at the discretion of the Executive Engineer. THE MADHYA PRADESH IRRIGATION ACT, 1931 81 (5)

The levy of rates for unauthorised use or for waste shall not bar a prosecution for any offence connected with such use or waste. (6) No suit shall lie in a civil court contesting any decision made by a canal officer under this section or by the court on appeal from such decision. [Collector] 1 / Rules may be made under this Act regulating the procedure of canal officers in imposing liability for, and in assessing, canal revenue payable under this section. [44-A. (1) All rights in the water discharged as waste water after its use for the purpose for which it was supplied under section 40 shall vest in the Government. (2, The use of waste water by any person other than the one who discharges such water after use shall be subject to payment of water rate at such rates as may be prescribed and such water rates shall be payable by the person utilising such waste water. 44-B. The permanent holders and occupiers of land situated outside the boundary of a submerging tank who utilise water discharged from the sluice and escapes of the said tank for purpose of cultivation shall be liable to pay water rate at such rates as may be prescribed.]2

CHAPTER-VI IRRIGATION AGREEMENTS [45. (1) Agreements may be made, between the State Government and the permanent holders of land for the supply of water for irrigation either a short term not exceeding one year or for a long term exceeding one year, at such rates as may be fixed by the State Government. Provided that, if the State Government considers it necessary so to do, short term agreement may also be made with occupiers of land. (2) Agreements made in accordance with sub-section (1) are called "Irrigation Agreements" and the water rates payable thereunder are called "agreement rates". (3) The State Government may divide the State into zones for the purpose of short term agreements and long term agreements and may declare any area where no agreements shall be made. (4) Agreements under this section shall be made in accordance with the provisions of this Chapter and the rules made thereunder.] 3 1. Subs. by M. P. A. O. 1956, for "Deputy Commissioner" 2. by M. P. Act 42 of 1973, S. 6

3. Subs. by M.P. Act 42 of 1973, S

7. Discharged waste water to vest in State Government. Water rate for utilisation of drain out water from submerging tank. Power to make irrigation agreements. 82 Scope of irrigation agreements. MADHYA PRADESH IRRIGATION ACT, 1931 46. Irrigation agreements— (a) shall be for the irrigation of one or more specified crops, which are called "crops under agreement" • (b) shall be made with the permanent holders of all irrigable land in a village, mahal or chak cultivated with the crops under agreement ; IL (CSI when duly made in accordance with the provisions of this Chapter, shall be binding, according to the terms of the agreement, on the permanent holders and occupiers of [(i) all irrigable land in the village, mahal or chak under cultivation with the crops under agreement at the time from which the agreement has effect or at any time during two years prior thereto: Provided that 'Where a scheme of consolidation has been confirmed in respect of any land under the provisions of the Central Provinces 1928 of Consolidation of Holdings Act, 1928) the irrigation agreements shall, from the year in which the permanent holders and if any, are put into possession of occupiers, the holdings— (a) be binding on the permanent holders and occupiers, if any, of all cultivable land newly received in exchange for land which has ceased to be under cultivation; and (b) ceased to be binding on the permanent holders and occupiers, if any, of all land which has ceased to be under all land described in sub-clause (i) together with such land as may be cultivated with the crops under agreement at any time during the period of the agreement, land on the permanent holders and occupiers where, of an agreement is binding is called "land under agreement"

47. In addition to any incidents applying generally to liability for payment of water-rates, all irrigation agreements shall be subject to the following incidents, namely:— Main incident of irrigation agreement 8. 2. (a) Canal revenue payable thereunder shall be payable— if the case falls under clause (c) (i) of section 46, for every year on all land under agreement, whether it has been sown or not and irrigated and or not, 83 (c) (d) THE MADHYA PRADESH IRRIGATION ACT, 1931 if the case falls under clause (c) (ii) of section 46, for any year on all land under agreement, which has been sown that year with any of the crops under agreement, whether it has been irrigated or not; the canal revenue payable on any land for any year shall be collected from the occupier, or, on his default, from the permanent holder of such land; at any time when the amount of water available is deficient, or when damage is anticipated to the canal if full discharge of water is delivered. its supply may be regulated in such manner as the Executive Engineer may determine; no claim shall arise against the Government for compensation for any loss arising from a failure or shortage in the supply of water for irrigation or from an excess of such supply Provided that rules may be made under this Act providing for the remission agreement rates where there

has been a failure of crops or a failure to deliver water owing to a defect in the head-works or distribution system. Where the title of an occupier of irrigable land who is not the permanent holder thereof is such that it will lapse on or before the expiry of the agricultural year next following the date of an irrigation agreement applicable to such land, the consent of the permanent holder to such agreement shall be binding on such occupier in respect of land. (2) Where the title of an occupier of irrigable land who is not the permanent holder thereof, is such that it will continue after the expiry of the agricultural year next following the date of an irrigation agreement applicable to such land, the consent of such occupier shall be necessary to the validity of the consent of the permanent holder. Land held jointly by two or more co-sharers in the proprietary right of a village, the consent of the lambardar or Ambardar-gumashta appointed for such land under section 187 of the Central Provinces Land Revenue Act, 1917 (C. P. Act. 11 of 1917), shall be binding on every co-sharer in respect of land if he has received notice of the proposed agreement and has failed, within a week from the receipt of notice, to lodge an objection in writing with the canal officer taking the agreement. (2) Notwithstanding anything contained in sub-section (1), less than two-thirds of the when co-sharers holding not interest in land held jointly by two or more co-sharers proprietary right of a village or mahal have given their consent to a proposed agreement in accordance with the provisions of this Chapter, the consent of the co-sharers holding the remaining interest shall be deemed to have been given. 1. substituted by C. P. 2 See now M. P. Land Revenue Code 1959 (20 Consent to agreement where land is in possession of sub-tenants. Consent to agreement where land is jointly by proprietors. 84 THE MADHYA PRADESH IRRIGATION ACT, 1931 Consent to agreement where land is held by non-resident proprietor. Special rule when all permanent holders do not consent. No consent to be presumed without previous notice. Inclusion of wet (and. Inclusion or land Irrigated by lift

50. Where land is held by a proprietor of a village who does not reside in the village, the consent of the Ambardar or Ambardar-gumashta appointed for such land under section 187 of the Central Provinces Land Revenue Act, 1917 (C.P. Act 11 of 1917) shall be binding on such proprietor in respect of such land, if after receiving notice of the proposed agreement he fails, a week from the receipt of notice, to lodge an objection in writing with the canal officer taking the agreement

51. When either the permanent holders of not less than two-thirds of, or not less than 95 per cent of the permanent holders of, all the irrigable land in a village, mahal or chak cultivated with crops under agreement have given their consent to a proposed irrigation agreement in accordance with the provisions of this Chapter, the proposed agreement, if accepted by a Canai Deputy Collector or by an irrigation inspector specially authorised in this behalf by the Executive Engineer, shall be deemed to be an irrigation agreement binding on the permanent holders of all irrigable land in such village, mahal or chak cultivated with crops under agreement : Provided that no agreement for a mahal or chak shall be accepted without the general or specific consent of the State Government or of an officer specially authorized in this behalf by the State Government. 52. (1) The provision: of sections 49, 50 and 51 shall not apply unless a notice has been published in the village concerned by a canal officer that he proposes to take an irrigation agreement in that village. 12) Such notice shall be posted in writing in some prominent place in the village: and shall be proclaimed by beat of drum least fourteen clear days before the agreement is finally made

53. The permanent holder of wet land which is commanded a canai Inay apply to a canal officer to have his wet land included in an irrigation agreement relating to the village, mahal or chak in which such land is situated, and, if his application is granted, he shall be entitled to the supply of water in accordance with the terms of such agreement, but with such deduction, if any, from the agreement rates as may be prescribed by rules made under this Act. Where the permanent holder of land which is not commanded but is capable of being irrigated from a canal or water-course by means of any mechanical contrivance designed to lift the water therein, may apply to a canal officer to have such land included in an irrigation agreement. and, if his application is granted, he shall be entitled to the supply of water in accordance with the terms of such agreement. in so far as they may be applicable, but with such deduction, if any, from the agreement rates as may be prescribed by rules made, under this Act

1. See now M.P. Land Revenue Code, 1959. (20 of 1959). MADHYA PRADESH IRRIGATION ACT, 1931 An irrigation 55. It may be cancelled by mutual consent between State (the permanent holders of

not less than two-thirds of, or not less than 95 per cent of the holders of, the land under agreement at the time of such cancellation. g) The provisions of sections 18, 49, 50, 51 and 52 shall apply to the cancellation of an irrigation agreement as if consented to the cancellation were consent to the making of such agreement. 56. O) The Superintending Engineer may, at any time, after giving notice, cancel an irrigation agreement if, in his opinion the permanent holders and occupiers bound thereby have persistently failed to maintain their water courses in proper repair. f 2 N An order by the Superintending Engineer under this section shall be in writing, and shall be published in the village concerned by beat of (3) r Hereupon the irrigation agreement shall cease to have effect, and no suit shall lie in a civil court contesting the validity of the Superintending Engineer's order or making claim in respect of the Government by reason of such cancellation. l) With the previous sanction of the State Government. 57. yment the Superintending Engineer may at any time cancel an agreement and in such case the measure of the irrigation agreement in respect of any land under agreement shall be the amount of the canal revenue which would have been payable in respect of such land for remainder of period of 110 years under this Act regulating the mode of distribution among permanent and occupiers of the damages payable by the Government, and regulating of canal officers in making such distribution. 3) When damages have been distributed and paid or tendered in accordance with the provisions of this section the rules made thereunder, no suit shall lie in a civil court contesting the validity of the cancellation or making any claim whatsoever against the Government by reasons of cancellation.

58. In addition to any rules for 'which provision may be made in this Chapter, rules may be made under this Act prescribing the periods and the terms for irrigation agreements may be made prescribing the forms of irrigation agreements, and providing for the inclusion therein of incidents and conditions addition to but consistent with those, contained in this Act and regulating the procedure of canal officer in carrying out their duties under this Chapter. by A. O. 1937, for "Government". 85 (2, 2nd edition of agreement with consent. Cancellation of agreement for failure to maintain water-courses. General Power to cancel agreements. power to make rules. 86 of new canal THE MADHYA IRRIGATION ACT, 1931 (b) ILCHPATER VI-A BETTERMENT CONTRIBUTION For the purposes of this Chapter— the expression "new canal" means— a canal, the construction of which has been undertaken on or after the 1st April, such existing canal, the improvement or extension of which has been undertaken on or after the said date and the cost of construction or improvement or extension, as the case may be, where of is 5 lakhs of rupees or more or has an irrigable capacity of one thousand acres or more: and which has been notified as a new canal by the State Government: commanded area in relation to a new canal means the area comprising of all land which may be irrigated from that canal by the flow of water under gravity and without the need of lifting or pumping the water: Provided that in relation to a new canal provided by improvement or extending an existing canal, the area which was being irrigated already by such existing canal shall be deemed not to have been comprised in the commanded area.] Levy of betterment contribution. from such date as the State Government may, by notification, appoint, such date being not earlier than three years from the commencement of the operation of a new canal, there shall be levied on every permanent holder of land, land is situated within the commanded area, betterment contribution at the following rates— Rs. 140 per acre payable in one lump sum; or Rs. 224 per acre payable consecutively for fifty years, excluding the years in which recovery there be postponed by the State Government in accordance with section 58-1, as under. 3. (i) Rs. 8 per acre per year for the first five years; (ii) Rs. 16 per acre for the next five years; (iii) Rs. 16 per acre for the twentieth years, by M. P. Act 7 1956, S. Subs. by M. P. Act 13 of 1968, S.

2. Omitted by S.3, 1968, THE MADHYA PRADESH IRRIGATION ACT, 1931 'the betterment contribution levied under sub-section (1) may, at the option of the permanent holder, be paid by him in one lump sum within three months from the date appointed or in twenty annual instalments, the under sub-section first instalment being payable within two months from the date appointed under sub-section (1) and the subsequent annual instalments being payable within one month from the date on which they would fall due for payment in each subsequent Provide that if the permanent holder who has undertaken to pay the betterment contribution in annual instalment desires, at any time after the payment of the first or subsequent instalment, to make payment in one lump sum, he shall be required to pay per acre in full the amount equal to the difference between Rs. 140 together with interest thereon calculated at the rate of 44 per cent per annum for the period from the date appointed under sub-section (1) till the date of such payment in lump sum and the amount already paid by him by way of such instalments. (3) Any

instalment of betterment contribution or part thereof which remains unpaid on the expiry of the period under sub-section (2), shall, with effect from the date on which such period expires, carry interest at the rate of six per centum: Provided that when the recovery of any instalment is postponed under section 58-1, such instalments shall not be deemed to be remaining unpaid for the purpose of this sub-section during which the recovery thereof remains postponed. If the State Government is satisfied that the levy of betterment contribution is likely to cause hardship to any permanent holder or class of such holders in any commanded area, the State Government may, by notification, exempt such holder or such class of holders in such area from payment of the amount of betterment contribution in whole or in part, as may be specified in the notification, subject to such terms and conditions, if any, as the State Government may deem fit to impose. Explanation.—For the purposes of sub-section (4), the levy of betterment contribution shall be deemed to cause hardship if— as a result of new canal, the price of land situated in a commanded area has not risen by more than fifty per centum over the prices prevailing prior to availability of irrigation facilities from such new canal : the permanent holder who having already constructed private irrigation work, prior to the commencement of the operation of the new canal, on his land does not derive avail of the irrigation facilities from such new canal. 87 88 Notification or commanded area by State Government. Proclamation by Authorised Officer. Enquiry by Authorised Officer. Powers of Authorised Officer. Determination of betterment contribution payable by holders. THE MADHYA PRADESH IRRIGATION ACT, 1931. Before appointing the State under sub-section (1) of section 58-C from betterment levied, the State shall issue a notification— (i) specifying the commanded area defining the boundary; (ii) 56-E. prices thereof; appointing the place or places at which the particulars of holding of permanent holders whose lands are situated in the commanded area specified in (i) can be seen; appointing a Revenue Officer not below the rank of a Divisional Officer (hereinafter referred to as the Authorised Officer) who shall enquire into and determine the amount of betterment contribution payable by each permanent holder; and specifying a date not more than one year from the date of the publication of such notification and requiring every permanent holder in the said area who objects to the inclusion of any land within the Commanded area or to the correctness of any particulars regarding his holding to present to the Authorised Officer a written objection on or before such date, stating the nature of his objection and the relief sought. The Authorised Officer shall, as soon as may be, after the issue of the notification, cause to be published in the regional language of the commanded area a notice of the issue of such notification by beat of drum and also by affixing copies of the notice at conspicuous places in all villages in the commanded area specified in the notification issued under section 58-D. Such notice shall also state the time and place at which the Authorised Officer shall enquire into the objections preferred under section 58-D. 58-F. The Authorised Officer shall, at the place stated in the notice under section 58-E, make such enquiry into the objections preferred under section 58-D as may appear necessary and after giving an opportunity of being heard to the permanent holder preferring an objection, pass such order thereon as he may think fit. 58-G. For the purposes of section 58-F, the Authorised Officer shall exercise the powers conferred on a Revenue Officer of his grade and follow the procedure laid down for the purpose in the Madhya Pradesh Land Revenue Code, 1959 (20 of 1959), and the rules made thereunder. 58-H. After the objections, 58-D have been made, the Authorised Officer shall make an order specifying— the lands with Khasra Nos. and area commanded by the new canal ; THE MADHYA PRADESH IRRIGATION ACT, 1931 (b) the betterment contribution payable by each permanent holder in respect of the land specified under (a) above. (2) The order shall be notified in the prescribed manner, and a copy thereof shall be placed for public inspection at such place or places and for such time, as may be prescribed. 58-HH. An appeal shall lie against every order passed under section 58-H to the authority competent to hear appeals under sub-section (1) of section 44 of the Madhya Pradesh Land Revenue Code, 1959 (20 of 1959), from an officer of the same grade under the said Code and the provisions of sub-section (2) of the said section shall thereon apply : Provided that no appeal shall be entertained unless (i) in the case of first appeal, it is filed within 60 days from the date of the order appealed against; and in the case of second appeal, it is filed within 90 days from the date of the order appealed against: Provided further that— in computing the period aforesaid, the time requisite for obtaining a copy of the order appealed against shall be excluded; and the provisions of section 5 of the Limitation Act, 1963 (No. 36 of 1963), shall apply to such appeals. 58-HHH. Subject to the orders passed in appeal under section 58-HH, the order made under section 58-H shall be final. 58-1. When the total

land revenue or rent, as the case may be, payable by the permanent holder in respect of any, land for which he is liable to pay betterment contribution is suspended in any year, the State Government may, notwithstanding anything to the contrary contained in this Chapter or rules made thereunder, postpone for such period as it thinks fit the recovery of any instalment of betterment contribution. [58-J. (1) The betterment contribution under this Chapter shall be payable to the Revenue Officers in the same manner as land revenue, and in default of payment, it shall be recoverable as arrears of land revenue. (2) The amount of betterment contribution realised shall be credited as State revenue under such head as may be prescribed.] 2 58-K. Rules may be made for the purpose of carrying out the purposes of this Chapter but in the absence of any rules so made the rules framed under section 63 shall, so far as may be, apply in this behalf

1. Subs. by M. P. 13 of 1968, S. 4

2. Subs. by M. P. Act 13 of 1968, S. 5. 89 Appeal. Finality of award. Suspension of payment of instalment. Betterment contribution to be recoverable as arrears of land revenue. Power to make rules, THE MADHYA PRADESH IRRIGATION ACT, Levy of Irrigation Cess. [CHAPTER-VI-B IRRIGATION CESS 58-L. (1) In addition to the water rates or other charges or levy leviable under the provisions of this Act, there shall be levied in respect of land under irrigable command of a canal, a cess called the irrigation cess at such rates and for such period as may be fixed by the State Government by notification Provided that having regard to the potentiality of perennial or seasonal supply of water from a canal different rates may be fixed for different canals. (2) The irrigation cess shall be payable by every permanent holder or occupier of land in the irrigable command of the canal. 58-M. Subject to the rules made under this Act, the State Government may, by notification reduce or remit the whole or any part of the irrigation cess levied under section 58-L.] CHAPTER COLLECTION OF CANAL REVENUE Dates of payment of canal revenue 59. (1) Canal revenue payable under an irrigation agreement 'Definition of arrear. Mode of recovery of arrears. Irrigation panel. Uses, water, or for the supply of water on demand, or for the supply of water to supplement a village tank, or, for the supply of water to a compulsorily assessed area shall fall due on such dates as may be prescribed in this behalf by rules made under this Act. (2) Canal revenue payable for the supply of water for industrial, urban or other purposes, not connected with agriculture, shall fall due on the dates specified in the agreement relating thereto. (3) Canal revenue payable for the unauthorized use of, or for the waste of, water shall fall due on the date on which demand is made for the payment thereof. revenue which remains 60. Any sum payable as canal unpaid on the day following the date on which it is due is an arrear of canal revenue. Arrears of canal revenue shall be recoverable as arrears of land revenue. In accordance with the rules made under this Act, an Irrigation Panchayat shall be established for every village, or chak, and at the discretion of the Government of villages in the commanded area of the M. P. Act 42 of Subs. by C. P. and Berar of 1945, S. Collector, for a group canal. Such Panchayat shall consist of a Sarpanch and two or more members elected by the permanent holders and occupiers of the land from among themselves. Such election shall be subject to the approval of the Collector, who shall have power to nominate one member to any Panchayat, and, for reasons to be recorded in writing, to dismiss any member and to dissolve any Panchayat subject to an appeal to the Commissioner. (2) Irrigation Panchayats shall— (a) assist the officer of the Irrigation Department in detecting and preventing encroachments on canal lands, prevent damage to irrigation works, and report any wilful damage caused to works assist the officers of the Irrigation Department in arranging for the construction of water-courses, in recording and checking irrigation, and in making measurements and settling disputes; (b) collect irrigation revenue and remit it to the Government treasury; (c) arrange for the repair of water-courses. 91 Irrigation Panchayat shall have power to accept from any person against a reasonable suspicion exists that he has committed an offence specified in rules made under this Act, a sum not exceeding fifty rupees for composition of such offence. (4) Money collected by a Panchayat under sub-section (3) shall be expended by the Panchayat, subject to the control of the [Collector] on any work of public utility in the village. (5) A member of such Panchayat shall be deemed to be servant for the purposes of the Indian Penal Code. a public 63. Rules may be made under this Act regulating the procedure of canal officers and canal subordinates in assessing canal revenue and applying to revenue officers for the collection of arrears of canal revenue and the procedure of revenue officers in collecting canal revenue

64. All sums due to the Government for the right to cut grass, to graze cattle, to fish, to cultivate land, or to do other acts on land or in water under the charge of the Irrigation Department shall be recoverable as arrears of land revenue. Power to make rules for assessment and collection. Mode of recovery of miscellaneous revenue, 3. 4. Subs. by M. P. Act 42 of 1973, S.9 Omitted by C. P. and Berar Act 35 of 1948, S. 6 (ii) Subs. by M. P. Act 42 1973, S. 9 Subs. by M. P. A. O. 1956, for ; 'Deputy Commissioner'. 92 THE MADHYA PRADESH IRRIGATION ACT, CHAPTER V 111 1931 CONSTRUCTION OF Power to make water-cour 65. Contracts may be made in accordance with the proposed contracts. Scope of water-course contracts. Consent in certain cases. "Water courses to be property of Government. Constructions of water-courses for irrigating compulsorily assessed area. Construction of water-courses for irrigating a chak. provisions of this Chapter whereby Government undertakes to construct water-courses and to bear the cost of construction and the permanent holders of irrigable land undertake to maintain them and to bear the cost of maintenance. Such contracts are called 'water-course contracts'"

66. Water-course contracts—(a, shall relate to the construction of water-courses for the irrigation of all irrigable land in a village, mahal or chak cultivated with one or more specified crops; and shall be made with the permanent holders of all such land in a village, mahal or chak Provided that, when not less than one-half of such permanent holders, holding not less than two-thirds of all such lands, have given their consent to a water course contract in accordance with the provisions of this Chapter, the proposed contract, accepted by Government, shall be deemed to be a water-course contract made with the permanent holders of all irrigable land in the village, mahal or chak cultivated with such crop or crops

67. The provisions of sections 48, 49, 50 and 52 shall apply to Water-course contracts as if such contracts had been irrigation agreements

68. Water-courses constructed under a water-course contract shall be the property of the Government.[68-A. Water-courses may be constructed by the State Government for the irrigation of a compulsorily assessed area. Such water-courses shall be the property of the [Government] but they shall be maintained by the permanent holders of land comprised in the, compulsorily area for the irrigation of which they are constructed and by such other permanent irrigation holders as may actually make use of them for purposes. 12 [68-B. (1) Where, in a chak not less than half a mile long or 80 acres in area, the State Government considers it expedient to construct water-courses, It may notwithstanding anything in section 66, construct such water-courses (Or such chak. (2) Water-courses constructed under sub-section (1) shall be the property of the Government] but they shall be maintained by the permanent holders of the chak for the irrigation of which 2. Subs. by A.O. 1937 for "Crown". by C. P. and Berar Act 11 of 1945, S

7. THE MADHYA PRADESH IRRIGATION ACT, 1931 such water-courses are constructed and i)) such other permanent holders as may actually use of them for irrigation purposes.] 2169. Subject to provisions of section 68-A and section in accordance with the 68 -B the Irrigation Panchayat shall, rules made under this Act, be responsible for the proper maintenance of all water-courses constructed for that village [mahal or chak, as the case may be, It and may call upon the permanent holders and occupiers or all land whether under an agreement or within compulsorily assessed area. which is or is not irrigated or may be irrigated through a Water-course to render assistance in maintaining it, and in case of default" to pay such sums as may be assessed by the Executive Engineer.] 70. (1) Notwithstanding anything contained in the foregoing provisions of this Chapter, [the State] Government may, subject to rules made under this Act, enter into a contract with one or more of the permanent holders of irrigable land in a village, mahal or chak whereby [the State Government] undertakes to construct water-courses and the permanent holders undertake to bear the cost of construction and maintenance. (2) When not held by a permanent holder bound by such contract is required for the construction of a water-course, it shall be deemed to be required for a public purpose and shall be acquired in accordance with the provisions of the Land Acquisition Act, 1894 (1 of 189-n. I under section 68- n. (I) A water-course constructed under section 68-B] or section 70] shall be deemed to be an improvement affecting all the land for whose irrigation the water-course was constructed, within the meaning of clause (5) of section 2 of the Central Provinces Tenancy Act, 1920 (C.P. Act of 1920). (2) When any village servant, who has entered into a water-course contract in respect of any land in his village service holding, acquires the rights of an occupancy tenant under the provisions of section 48 of the Central Provinces Tenancy Act, 1920 (C. P. Act of 1920) he

shall be deemed to have held the rights of an occupancy tenant under section 52 of the said Act at the time he entered into the contract

72. Where [the State Government] has constructed water-courses in a raiyatwari village, it may require raiyats holding irrigable land in that village to maintain such water-courses when, in the opinion of [the State Government] 5 such raiyats are in a position to do so.⁹³ Irrigation panchayat to be responsible for maintenance of water-courses.. Power to construct water courses at cost of permanent holders Water-courses to be an improvement. Power to require raiyats in raiyatwari village to maintain water-courses. 2. 3. 4. 6

7. Ins. by C. P. and Berar Act 25 OF 1949. S

2. Subs. by C.P. and Berar Act 11 of 1945, S. Sub. by C. P. and Berar Act 25 c.f S. 3, for "section 6S-A". Ins. by C. P. Act 55 of S

7. Subs. by A. O. 1937, for "Government!" Subs. by C. P. and Berar Act of '945 'S. 9 for "under S. 70". Subs. by C. P. & Berar Act 25 of 1949, S. 4 for 68—A". 9-1 Power to have water-courses repaired. in THE MADHYA PRADESH IRRIGATION ACT, 1931 s.73. If at any time Executive Engineer considers that a which has been constructed under agreement or-course, under [section 68-A] or section 68-B12 or which the raiyats in raiyatwari village have been required to maintain, : is not proper repair— (a) (b) village, he may by public proclamation require that the repairs be made to his satisfaction on or before a specified date; and if the repairs are not made to his satisfaction by such date, he may stop the supply of water to the water-course; or he may cause the repairs to be made and may collect a sum not exceeding twice the cost thereof from the permanent holders or occupiers in proportion to the areas held by them in the Land which is ordinarily irrigated or may be irrigated under an agreement through such water-courses [provided that where a village, mahal or chak has ceased to be under an agreement or any area has ceased to be compulsorily assessed to water-rate, the State Government shall not require the maintenance of water-courses therein until such village, mahal or chak again comes under agreement or such area is again compulsorily assessed.] 714. All sums recoverable by [the State Government] under Recovery of sums due to -State Government, Powers to make rules. any of - the provisions of this Chapter or recoverable by irrigation panchayats under section 69 may be recovered as arrears of land revenue

75. Rules may be under this Act (a) prescribing the forms of water-course contracts; (b) regulating the procedure of canal in discharging their duties under this Chapter; (bb) determining under section 68-B the liability of permanent holders and the manner in which it shall be discharged (c) prescribing the liabilities of permanent holders and occupiers of land under section 69 ; (d) prescribing the circumstances in which the assessment in a compulsorily assessed area may be .C, P. and Berar Act 11 of 1945 s.10 (i)

0. Subs. by C. P. and Berar Act 23 of 1949. S. 5 for "Section 68--A". Subs. by C. P. and Berar Act 11 of 1945, S. 10 (ii) 3. Subs by A. O. 1937, for "Government" 4. Word "and" omitted by C. P. and Berar Act 11 of 1945 S. 11 (i)

5. Ins by C.P. and Act 25 of 1949, S. 6. 6. 7. by C. P. and Berar Act 11 of 1945. S. 11 (ii). THE MADHYA PRADESH IRRIGATION ACT, 1931 CHAPTER VIII-A CONSTRUCTION AND MAINTENANCE OF FIELD CHANNELS, 75-A. The provisions of this Chapter shall apply to such area and from such date as the State Government may, by notification, appoint and different dates may be appointed for different areas. If the Executive Engineer considers it expedient or necessary in the interests of the general public that any permanent holder or occupier of irrigable land in a chak should construct or dig a field channel either singly or jointly with other holders or occupiers of such land, he may by a notice, call upon the permanent holders or occupiers concerned to show cause by a date not earlier than three weeks after the date of the issue of the notice to be specified therein as to why they should not be required to undertake the work specified in the notice.. (2) The notice under sub-section (1) shall state the place where the plans and specifications of the works as approved by the Executive Engineer may be inspected and shall be in such form as may be prescribed. (3) Any permanent holder or occupier on whom a notice is served under sub-section may— (i) prefer an objection in writing before the date specified in the notice • if he desires to be heard in person, appear before the Executive Engineer on such date, whether he would execute the work himself or would prefer it to be executed at his cost by the State Government. (4) The Executive Engineer shall, after considering the objections that may be received, hearing the persons

as may appear before him, and such further enquiry as he may deem necessary, pass orders specifying therein— (i) the nature of the work to be undertaken, the names of the permanent holders or occupiers required to undertake the work; (iii) the period within which the work should be completed. Provided, that here not less than half of the permanent holders and occupiers on whom a notice is served under sub-section (1) have expressed their willingness for the work being undertaken at their cost by the State Government, the Executive Engineer may undertake the work and if so, the order shall stand accordingly.

1. Ins. by M. P. Act 23 of 1960. S. S. 95 Power to apply provisions this (h) vte. Power to require permanent holders and occupiers to construct or dig field channels. THE MADHYA PRADESH (5 relates and Yiraji be Exdeui •vc Encrinc:cr IRRIGATION ACT, pul such d, fit. 1935 or whorrt It A pporOonment and R- covery of expenses where by work undertaken Executive Engineer. holder or Permanent occupier to comply with the order of Executive Engineer. 6) Any persons aggrieved by the order of Executive Engineer may appeal to Collector within 30 days from the date of the order and provisions of sub-sections and section 23 shall apply to such appeals. to the decision in the appeal, the order of the Executive Engineer under sub-section (4) shall be final. 7) No appeal under sub-section (6) shall require LO be stamped. 75-C. Where work undertaken by the Executive Engineer in pursuance of the provision sub-section (4) of section 75- recover the expenses incurred in apportion and the execution of the work in the laid down subsection) of section 75-1). 75-1). U Executive Engineer has. in pursuance of section 75-13. under the proviso to sub-section taken to execute the work permanent holder or occupier is required to undertake the work under the said subsection subject to the order of the Collector in appeal, undertake and complete the work in accordance with the order as passed by the Executive Engineer. If out of the permanent holders or occupiers named in the work is undertaken and completed by some in the order, they shall on completion of the same report the matter of the Executive Engineer stating therein the total expenses incurred in the execution of the work and the contribution of each towards the expenses so incurred. (3) On receipt of the order of the Executive Engineer in prescribed form the final order that the expenses amongst the persons regard to benefit hereby provided or section 75-B If any fails to pay the amount derived by each of them from the work, nay ; his contribution the expenses as determined by the Engineer, within the time specified in the order the amount of such contribution shall be recoverable from him as an arrear of canal revenue. The so recovered shall be arrear of canal distributed amongst the persons to whom it is due If the work is not, or is not completed in the period specified for the completion of such or is not executed in accordance with the approved plans and specifications, the Executive Engineer may cause the work to be undertaken, completed or properly executed at the expense of the permanent holders or occupiers concerned, and if more than two of more persons were required so to undertake the work, shall apportion the expenses incurred in doing so among such persons, such, manner as may be prescribed with due regard to the benefit which each of them is likely to derive from the work. THE MADHYA PRADESH IRRIGATION ACT, 1931 97 work. If any person fails to pay his contribution towards the expenses as determined by the Executive Engineer within the time specified in the order, the amount of such contribution shall be recoverable from him as an arrear of canal revenue. 75-E. (1) Every permanent holder and occupier of land receiving supply of water from a field channel constructed in accordance with the provisions of this Chapter shall (i) maintain it in a fit state of repairs; (ii) allow the use of it to any person entitled to take water therefrom; and (iii) construct and maintain all works necessary for the passage across such field channel and for affording proper communications across it for the convenience of the permanent holders and occupiers of the neighbouring land. (2) If the Executive Engineer finds that any field channel is not maintained in a fit state of repairs of any work required to be constructed or maintained under clause (iii) of sub-section (1) is not so constructed or maintained, he may, after such notice as may be prescribed to the permanent holder and occupier concerned, cause the field channel to be repaired or other works to be constructed or maintained at the cost of such permanent holder and occupier. (3) The expenses incurred by the Executive Engineer under sub-section (2) shall be recoverable as an arrear of canal revenue from the permanent holders or occupiers required to construct or dig field channel under section 75-B in such proportion as the Executive Engineer may determine, in accordance with rules framed under this Chapter. 75-F. (1) No person shall, except in accordance with such rules as may be prescribed, do anything which or interferes or is likely to obstruct or interfere with the flow of water in any field channel. (2) If any person contravenes the provisions of sub-section he shall be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or

with both. 75-G. (1) No suit or other legal proceedings shall lie against the Government, at the instance of any person— (a) in respect of any act done or purporting to be done under this Chapter; or (b) on the ground that any field channel . interfere or is likely to interfere with his rights in any manner. (2) No suit, prosecution or other legal proceedings shall lie against any officer or servant of the Government for any- Maintenance of field . channels. Obstruction of interference with water flow in field channel prohibited in certain cases. Bar of suits and proceedings. 98 Power to make rules. Power to make grants or loans for construction of private irrigation works. Grant of permission to permanent holder to construct dam, etc. in any river, natural stream, etc. MADHYA PRADESH IRRIGATION ACT, 1931 thing which is in good faith done or intended to be done in pursuance of the provisions of this Chapter Or any rule made thereunder. 75-H. The Government may make rules to carry out the purposes of this Chapter.] CHAPTER CONSTRUCTION AND MAINTENANCE OF PRIVATE IRRIGATION WORKS 76. Subject to rules made under this Act, the State Government may make a grant or loan of money to a permanent holder towards the cost of the construction or improvement of a private irrigation work. 76-A. (1) Any permanent holder desiring to construct a dam or any other work on a similar nature in any river, natural stream, natural drainage channel, natural lake or other natural collection of water as part of a private irrigation work or a grant-in-aid irrigation work, may apply in writing in the prescribed form to the State Government through the Collector for: permission to construct such dam or work 2) If, after, making such inquiry as he thinks fit, he is satisfied that the application is in order, he shall cause public notice of such application to be given at convenient places in the village and to be published in such newspapers as he considers necessary. 3) Such notice shall state the prescribed particulars and shall require all persons having interest in such waters to appear before the [Collector] at a time either personally or by agent and place therein a statement (such time not being earlier than thirty days after the date of publication of notice), and to state the nature of the respective interests in the waters in respect of which permission is sought and objections, if any. The [Collector] may, in any case, require such statements to be made in writing and signed by the party or his agent. (4) On the day so fixed, or on any other day to which the inquiry may be adjourned, the [Collector] shall enquire into the respective interests of persons who appear before him and the objections made to the grant of permission, if any. (5) After completing such inquiry, the [Collector] shall forward to the State Government the application together with the papers of the inquiry and his report. The State Government may, thereupon, either refuse the application or grant the necessary permission in the prescribed form subject to such conditions, it may deem fit, including the condition, where necessary, regarding payment to the person who in the opinion of the State Government is entitled to it, for the water likely to be appropriated by the permanent holder at a rate not exceeding the rate which the permanent holder would have been required to pay if the same quantity of water had in similar circumstances been given to the permanent holder from any canal maintained by Government. (6) The decision of the State Government, in granting or refusing such application or imposing conditions including the condition regarding the rate at which water is to be appropriated by the permanent holder is to be final and conclusive. Where the State Government decides to impose a condition regarding payment for the water likely to be appropriated by the permanent holder, the payment of the amount fixed under such condition to the person declared by the State Government to be entitled to it shall be a full discharge of the State Government: and the permanent holder from all liability in respect of such payment, but shall not prejudice any rights in respect of the right to receive such payment which any other person may be entitled to enforce against the person to whom payment is made as aforesaid. (B) Any sum under any condition attached to the permission under this section which remains unpaid on the day following the date fixed in that behalf shall be recoverable as arrears of land revenue. (9) No claim for compensation shall lie against the [Government] in respect of anything done by the State Government under this section and no claim for compensation shall lie against the permanent holder in respect of any action taken in accordance with the permission received by him except as provided in sub-section (5) of section 90.] 77. Where, any grant-in-aid irrigation work has been constructed or improved by or on behalf of a permanent holder he and his representatives-in-interest in accordance with rules made under this Act, shall keep such work fit for the purpose for which it was constructed or improved. If such work is at any time or in any manner rendered unfit or appears likely

to be rendered unfit for such purpose, the permanent holder or his representatives-in-interest shall at once report the matter to the Executive and shall carry out such repairs as the on consideration of the Executive Engineer's [Collector] 2' If the permanent holder or his re- report, may prescribe. representatives-in-interest fails to make such a report or to comp- order within such time as' the [Collector] ly with the [Collector]s]- •tor 32 may specify, the• grant received from [the State Government for that work may be recovered from the permanent holder or his representatives-in-interest in such instalments and with such. interest as may have been agreed upon the 1. subs. by A.O. 1950, "Gown" 2. Sud. by N.I.P. A.O. "Deputy Commissioner" . _ "Government" 3. subs. by A.O. 1937, Power to enforce main- tenance of grant-in-aid irrigation works, 100 'N-IE MADHYA PRADESH IRRIGATION ACT, 1931 Applicationa for acquisi- tions of land for grant- in-aid irrigation works. Demarcation of land required for grant-in-aid irrigation works and estimate of cost. Power of State Government to direct acquisition of land for grant-in-aid irrigation works. Acquisition of land for grant-in-aid irrigation- works. Applications for acquisition of land for private irriga- tion works. permanent holder and [the State Government] I at the time -w n such grant Was received by him. Any sum so due which •reains unpaid after the date fixed for its repayment shall be recoverable as an arrear of land revenue

78. Any permanent holder who desires to construct a private irrigation work, towards the construction of which [the State Government has sanctioned a grant or loan of money, and to acquire for such purpose the land of another may apply in writing to [the State Government] through the [Collector stating—(a) that he has endeavoured unsuccessfully _ to acquire the land; and (b) that he desires the [Collector]2, on his behalf and at his cost, to acquire the land for him under this Act. 79. (1) If the [Collector]2, after making such inquiry as may be prescribed by rules under this Act, considers that the applica- tio should be granted, he shall require the applicant to de- pos•r, within such time as the [Collector]2 may specify, the estimated cost of the demarcation of the land which in his opinion it will be necessary to occupy for the construction of the work, and, when such deposit has been made, _ the [Collector]2 proceed to demarcate such land and frame a preliminary sh esti ate of the cost of acquiring it under this Act. (2) If such deposit is not made within the specified time the [Collector may dismiss the application. shall report the result of his inquiry ;80. The [Collector] to the State Government which may,' on receipt of such report, either refuse the application or direct that the land demarcated be I-acquired by the [Collector.]2 If the State Government directs acquisition of the land, 181. shall proceed to ac uire the land under the the [Collector]! Land Acquisition Act, 1894 (1 of 1894 as if the State Govern- me.# had directed the Collector to take order for the acquisi- tion\ of •the land under section7 of that Act

82. Any permanent holder who desires to construct a private irrigation work for which no grant or loan has been sanctioned by [the State Government] and to acquire for such purpose the land of another person may apply in writing to 2.he State Government through the [Collector]2, stating— (a) (b) Subs. Subs. that he has endeavoured unsuccessfully to acquire land ; that he desires the [Collector]2, on his behalf and at his cost, to acquire the land for him under this Act; by A. O. 1937, for "Government" by M.P. A. O. 1656, for "Deputy Commissioner", THE MADHYA PRADESH IRRIGATION ACT, 1931 101 that he is willing and in a position to deposit, when involve_-l in \ he acquisition required, all costs of the } and; and that he is in the position to meet the cost of construc- n of the work he desires to undertake. 83. (1) The [Collector] shall, thereupon, fix a date (of which the person to whom the land belongs shall receive not less than a month's notice) for holding an inquiry and shall publish a notice of the application and the date fixed for the inquiry in the village or villages concerned. (2) At such inquiry the [Collector] I shall determine— (a) (b) whether the proposed improvement is of sufficient importance to justify action under this Act; situation or alignment whether the most suitable for the proposed work necessitates the acquisition of the land; whether the execution of the work is likely to cause damage to land belonging to other permanent holders, and whether any such land should be acquired ; whether the statements in the application mentioned in section 82 are true; and generally, whether the application should be granted. If the [Collector] considers that the application should be granted he shall require the applicant to deposit, within such time as the [Collector] may specify, the estimated cost of demarcation of the land which in his opinion it will be to occupy for the construction of the work, and, when such deposit has been made, the [Collector] shall proceed to demarcate such land and frame a preliminary estimate of the cost of acquiring it under this Act. If such deposit is not made the specified time 2) the [Collector] may dismiss the application 85. The [Collector] I shall report the result of his inquiry to the State Government which

max, on receipt of such report, citiker refitse the application or direct that the land dennarcated be aquired by the [Collector. 86. (1) If the State Government directs acquisition of the land, [Collector]] shall require the applicant to deposit, within such time as the [Collector 11 may specify, the cos tof acquisition as estimated under section '82, and '.Nhen such deposit has been made, shall proceed to acquire the land under the Land Acqui- sition Act 1894 (l of 1894) as if the State Government had l. Subs. by M. P. A. O. 1956, for "Deputy Commissioner". Inquiry to be made by [Collector]l De marcatian of land req uired for private irrigation works and estimate of cost. Power of State Govern- ment to direct acquisition of land for private irriga- lion works. Acquisition of land far the private irrigation works. 102 THE MADHYA PRADESH IRRIGATION ACT, 1931 Conditions of delivery of occupation to applicant Delegtaion of powers by State Government. Result of applicant's failure to construct work or comply with condi- tions. dirc cted the Collctor to take order for the acquisition of the land under section 7 of that Act. (2) If such deposit is not made thin the specified tirne the [Collector]i nway-, if hc thinks fit; lake further proceedings. 87. (1) If the final cost of acquisition is less than the am- aunt deposited by the applicant under section 86, the balance. shall be returned to him, but if it is '-Treater, h'! shall be requir- cd to deposit the deficit within a Lime to be speci fied by the [Collector] . ff the applicant fails to do so, the [Collector] I shall quash ali proceedings hitherto taken and rct.urn the am- ount deposited under section 86 after deducting a tenth part thereof or the actual expenditure already incurred, whichever is greater. (2) When the final cosL of acquisition does not exceed the amount deposited by the applicant under section 86, or when the deficit in the said amount has been duly deposited by the applicant under sub-section he shall be placcd in occupa- tion of the land acquired. (3) Thereafter the applicant and his representatives-in- interest shall construct and maintain, to the satisfaction of the [Collector 11, all works which, in the opinion of the [Collector], are required for the passage of water or traffic across the aforesaid land of water-courses existing previous to the constre- tion of the work for which such land was acquired, and of drainage, intercepted by such work, and for affording proper communications across it for the convenience of the nighlbour- ing lands

88. The Slate Government may dclcgate any Of its powers under this Chapter to the Commissioner, in which case re- fcrences to the State Government shall be construed as re- frrences to the Commissioner.89. (lh if an applicant or his representative-in-interest fails- to construct the work for the purpose for which the land has been acquired under this Act, or to construct alid maintain the necessary works in accordance with the conditions stated in sub-section (3) of section 87 to the satisfaction of the L Collector]], within a time to be specified by the [Collector] 1 within such or further time as the [Collector]k may from time to time allow, the person who owned the land at the date of acquisition or his representatives -in-interest may, within one year of the expiry of the period mentioned above, claim in the court of the [Collector]l the return of the land on payment of the compensation paid to him after deduction therefrom of the amount paid under sub- section (2) of section 23 of the Land Acquisition Act, 1894 of 1894) and any other sum svhich may be awrrded by the [Collector]l for depreciation in the value of the land subsequent to acquisition. Subs. by M.P. A.O. 1956. fov "Deputy Commissioner", THE MADHYA PRADESH IRRIGATION ACT, 1931 '2) An order of the [Collectorll for the return of the land shall operate to revest the land in the person to whom it belonged before the acquisition or in his representative-in-in terest. subject to all the rights of oilier persons existing case may bc, at the time of acquisition. 1 89-A. (P Any permanent holder of irrigable or wet land desiring to have the right of supply of urater through a private water-course of another person passing through or by the Side ot' or within easy reach of such land may apply to the Collector. If the applicant undertakes to defray all costs involved (2) in acquiring such right and to share the expcn.scs made by the owner in the construction of the water-course, the Collector shall serve a notice on the mvncr to showy cause why the right should not bc granted. (3) If the owner of the water-course raises no objection, the Collector may declare the applicant to be the joinL holder Of the water-couBe on such conditions as to the payment of cost, compensation or otherwise as may appear to him equitable. 89-B. (1) Subject to rules made uncler the Act, a per- manent holder of irrigable or wet land in a village or chak may construct on his land a private water-course. (2) Every permanent holder desiring to construct a private before undertaking the construction thereof, water-course shall, make an application in writing to the Executive Engineer clearly disclosing therein the details of the proposed water-course in- cluding its alignment, the land which is sought to be irrigated and such other particulars as may bc prescribed. (3) On receipt of the application, the Executive Enginecr shall, after making or causing to be made such enquirv, as hc deems fit, lav clown the specification tar Lhe

construction of the private water-course and give such other directions in relation thereto as he may consider necessary. Every private water-course shall be constructed in accordance with the specifications and directions given under sub-section (3). (5) No private water-course shall be used for the supply of water from a canal for irrigation purposes unless it has been constructed in accordance with the specifications and directions given under sub-section 89-C. (1) Any permanent holder or occupier in a wet or irrigable area may apply to the Executive Engineer for supply of water from a canal. (2) If it appears expedient that such supply should be given and that it should be conveyed through an existing private water-course, the Executive Engineer shall give notice to the owner of the water-course by M. p. A. O. 1956, for "Deputy Commissioner." 103 Acquisition of the right of supply through an existing private water-course. Construction of a private water-course. Occasional supply water through private water-course. MADHYA PRADESH IRRIGATION ACT, 1931 the to cause on day not more than 14 days from the date of such notice, the said supply should not be so conveyed. (3) On the day fixed, the Executive Engineer shall after hearing the owner if present and making such enquiry, as he thinks fit, determine whether and on what conditions the said supply should be conveyed through the water-course. (4) *Any person aggrieved by the decision of the Executive Engineer under sub-section (3), may, before the expiry of thirty days from such decision, prefer an appeal to the Superintending Engineer and subject to the result of such appeal, the if any, decision of the Executive Engineer shall be final. Such applicant shall not be entitled to use the water-course until he has paid the cost of any alteration of the water-course required for making the supply available through it and such charges for use of the water-course as the Executive Engineer may determine. (6) The applicant shall also be liable to maintain the water-course so long as he uses it. 89-1). () Every permanent holder owning or using private water-course, owning or using private water-course, construct and maintain to the satisfaction of the Executive Engineer all works which, in the opinion of the Executive Engineer, are required for the passage of water or traffic across the aforesaid private water-course or of water-course existing previous to its construction and of drainage intercepted by such private water-course and for affording proper communication across it for the convenience of the neighbouring lands • maintain the water-course in proper repair so long as it is in an area under an agreement or in a compulsorily assessed area; and allow its use in manner and to the extent provided by section 89-C. If at any time the Executive Engineer considers in respect of a course referred to in sub-section (1) that the works mentioned in clause "a) of (he, sub-section have not been constructed or maintained or that the water-course is not in proper repair as required by clause (b) thereof— he may, by a notice, served upon the persons liable under sub-section (1), require that the construction or repairs be made to his satisfaction on or before a specified date; and if the construction or repairs are not made to his satisfaction he may stop the supply of water by such date, water to the water-course; or THE MADHYA PRADESH IRRIGATION ACT, (which may cause the construction and repairs to be made and may collect a sum not exceeding twice the cost thereof from the permanent holder owning or using the water-course in proportion to the areas held by them in the 13th which is ordinary irrigated through the water-course. 89.E. Provisions of section 89-A, 89-B, 89-C and 89-1) shall, in the first instance, apply to the Madhya Bharat and the Vindhya Pradesh regions, and the State Government may, from time to time, by notification extend their application to such other areas as it may deem fit.] 1 (1) No claim for compensation shall lie against any permanent holder for any damage arising from— (a) the stoppage or diminution of the percolation or flow of water; or (b) the deterioration of climate or soil; or (c) the stoppage of navigation, or of the means of drifting timber or watering cattle: Provided that compensation shall be payable where, as a result of the construction of a private irrigation work,— (i) the rent or revenue of any land has been reduced, or (ii) the supply of water to or from a tank or other constructed work has been diminished. (2) Claims under this section may be enforced by application made to the [Collector] within one year from the reduction of the rent or revenue or from the diminution of the supply. (3) Any person aggrieved by the decision of the [Collector] under sub-section (2) may, within six months from the date of such decision, institute a suit in a civil court to have such decision set aside or modified. In addition to any rules for which provision is made in 91. this Chapter, rules may be made under this Act prescribing— 105 Application of sections to 89-1). Compensation for damage. Power to make rules. (a) (b) (c) (d) the conditions on which grants or loans of money may be made under section 76; the manner in which Government may enforce the proper construction and maintenance of grant-in-aid irrigation works; the circumstances in which applications under section 78 or 80 may be granted; and

the procedure in any inquiry or proceeding under this Chapter the circumstances in which and the conditions subject to which applications under section 89-B may be made] I 2. Ins. by M. P. Act 23 of 1958, S 3 (3) part A, Sch., Subs. by M. P. A. O. 1956, for • 'Deputy Commissioner' 106 R equ of tanks, THE MADHYA PRADESH IRRIGATION ACT, 1931 I [CHAPTER IX-A; REQUISITIONING OF TANKS, ETC. 91 -A. This Chapter shall be deemed to have come into force on the 27th February, 1948 and shall remain in operation for a period of [ten years]² from that date. 91-13. (1) Whenever it appears to the State Government that it is necessary so to do for the purpose of providing better facilities for irrigation of land in the proximity of any tank not being the property of the [Government]³, it may, by order published in the Gazette, requisition such tank and any canal or water-course or other construction connected therewith. Every such order shall contain sufficient particulars of the property to be requisitioned. From the date of the publication of the said order such property shall be at the disposal of the State Government. The State Government may thereafter use such property as a canal system from such date as may be notified. (3) The State Government may declare any part of land commanded by the tank comprised in the requisitioned property as a compulsorily assessed area in the manner provided in section 12-A and thereupon all provisions of this Act applicable to compulsorily assessed area shall apply to all such lands Provided that no water-rate shall be payable by the owner of the tank in respect of any parcel of land of which he is a permanent holder and "which was being irrigated from the tank on the 27th February, 1948. 9] -C. (1) Whenever pursuant to sub-section (1) of section 91-B compensation is payable, there shall be paid 91 -B any property is requisitioned, compensation determined in the manner and in accordance with the principles hereinafter set out, that is to say— (b) where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement ; where no such agreement can be reached, the State Government shall appoint as arbitrator the District Judge or the Additional District Judge or any Civil Judge having requisitioned jurisdiction over the area in which the property is situated; no compensation shall be payable to any person, other than a person who, in the opinion of the State Government or the arbitrator, owns or has an interest in the tank requisitioned; during period the tank remains under requisition, the amount of compensation payable annually to the . Ins. by C. P. and Berar Act 19 of 1948. S

2. Subs. by M. P. Act of 1953 S. 2, for •five years' 2. subs. by A. O. 1950 for

10. THE MADHYA PRADESH IRRIGATION ACT, 1931 person owning or having an interest in such tank shall not exceed the average annual income of such person during the three years immediately preceding the requisition calculated after deducting the expenditure incurred on the maintenance of such tank from—(i irrigation dues ; use of the tank for growing Singhara, fishing or any other purpose of like nature whether by the person aforesaid himself or his lessee ; sale of grass from the embankment of the tank. (2) The decision of the arbitrator in an arbitration proceeding under this section shall be final and conclusive and save as provided in this section nothing in any law for the time being in force shall apply to an arbitration under this section . (3) The payment of compensation under this section to the person, who, in the opinion of the State Government or the arbitrator as the case may be, owns or has an interest in the tank requisitioned shall be a full discharge of the State Government from all liability in respect of such compensation, but shall not prejudice any rights in respect of the said tank to which any other person may be entitled by due process of law to enforce against the person to whom compensation has been paid as aforesaid. 91 -D. (1) There shall be prepared a list of all Land commanded by a tank requisitioned under sub-section (1) of Section 91 -B as soon after its requisition as possible. (2) Every such list shall show the name of the occupier of each parcel of land and whether water is being given to him for the irrigation of his land from the requisitioned tank and the water-rate paid by him, if any, to the owner of the tank. (3) Every such list shall be published in the manner laid down by rules made under this Chapter and thereupon such list shall be conclusive record of the facts stated therein. 91 -E. (1) any requisitioned property is to be released from the requisition, the State Government may, after making such inquiry, if any, as may be considered necessary, specify by order in writing the person to whom possession of the property shall be given. (2) The delivery of possession of the property as aforesaid to the person specified in an order made under sub-section (1) shall be a full discharge of the State Government from all liability in respect of such delivery but shall not prejudice any rights in respect of the property to which any other person may be entitled by due process of law to enforce against the person to whom possession of the property is so delivered. (3) Where the person to whom possession of any requisitioned

property is to be given cannot be found and has no agent or 107 Preparation of list of ail land commanded by a tank. Release from requisition. THE MADHYA PRADESH IRRIGATION ACT, 1931 other person empowered to accept delivery on his behalf, the State Government shall cause a notice declaring that the land is released from requisition to be, affixed on some conspicuous part of the property and publish the notice in the Gazette. (4) When a notice referred to in sub-section (3) is published in the Gazette, the property specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person Power 10 acquire requisitioned property. entitle to possession thereof; and the State Government shall not be liable for any compensation or other claim in respect of the property for any period after the said date. 91 -F. (1) Subject to the provisions of sub-section (3) the State Government may at any time when any requisitioned property continues to be subject to requisition under sub-section (1) of section 91 -B acquire such property by publishing in the Gazette a notice to the effect that the Government has decided to acquire such property in pursuance of this section. (2) When a notice as aforesaid is published in the Gazette the requisitioned property shall on and from the day on which the notice is so published vest absolutely in the State Government free from all encumbrances and the period of requisition of such property shall end. (3) No requisitioned property shall be acquired under this section except in the following circumstances, namely where any canals, water-courses or other works connected with such tank have during the period of requisition been constructed wholly or partly at the expenses of the State Government and the State Government decides that the value of, or the right to use, such canals, water-courses or should be preserved or secured for the purposes of the State Government or the owner declines to reimburse the State Government the expenditure incurred on the construction of such canals, water-courses or works or any improvement made to the tank; or where the cost of restoring the property to its condition at the time of its requisition would, in the determination of the State Government, be excessive, having regard to the value of the property at that time, and the owner declines to accept the release from requisition of the property without payment of further compensation from the State Government. Any decision or determination of the State Government under sub-section (3) shall be final, and shall not be called in question in any Court (5) In respect of any acquisition of requisitioned property, the amount of compensation payable shall be ten times the amount of compensation fixed under section 91 -C or a sum equal to the market value of the requisitioned property on the date of notice under sub-section (1) whichever is less; and such amount shall be determined and paid in accordance with the provisions contained in clause (a) or clause (b) of sub-section (1) and sub-section (2) of section 91-C. THE MADHYA PRADESH IRRIGATION ACT, 1931 (6) The payment of compensation under this section to the person who in the opinion of the State Government or the arbitrator as the case may be, owns or has an interest in the acquired shall be a discharge of the State Government from all liability in respect of such compensation, but shall not prejudice any rights in respect of the said tank to which any other person may be entitled by due process of law to enforce against the person to whom compensation has been paid as aforesaid. Explanation.—For the purposes of clause (a) of sub-section (3) "works" includes any building, construction, improvements of every description and planting of any mechanical contrivance designed to lift water from a tank. 109 91- G. o claim for compensation payable under this Act, Limitation for claims shall lie against the [Government] if it is not preferred within a period of two years from the date on which a tank is requisitioned or acquired. 91 -H. (h) If any difficulty arises in giving effect to the provisions of this Chapter the State Government may by an order published in the Gazette amend any provision of this Act other than that contained in this Chapter for the purpose of removing the difficulty. (2) Any amendment made by an order published under sub-section (1) shall have effect as if enacted in this Act. 91-1. (1) The State Government may by notification make Rules. Such rules as appear to it to be necessary or expedient for carrying out the provisions of this Chapter. (2) In particular and without prejudice to the generality of the foregoing power such rules may provide for the following matters, namely (i) the procedure to be followed in arbitrations under section 91 -G; the principles to be followed in apportioning the cost of proceeding before the arbitrator. 91 -J. The State Government may by notification delegate all or any of its powers under this Chapter, except the powers specified in sections 91-H and 91-1 to any authority which it thinks fit. 91 -K. For the purposes of this Chapter— (i) Sub. the definition of canal in section 3 shall be interpreted as if for the words "by the State Government" occurring in clause (a) of that section, the words "whether by the State Government

or any other person" shall be substituted therein; the expression "requisitioned property" means property requisitioned under sub-section (1) of section 91-B". by A. O. 1950, for "Crown." 110 General provisions regarding tillage. Power to make rules. THE MADHYA PRADESH IRRIGATION ACT, 1931 [CHAPTER IX-B CHAPTER X RULES, OFFENCES AND REPEALS ;92. (1) All rules for which provision is made in this Act shall be made by the State Government and shall be consistent with this Act. (2, ' rule may be general for all canal systems or for all canal systems not expressly exempted from its operation, or may be special for the whole or any part of one or more canal systems, as the State Government may direct. (3) Except the rules provided for in sections 21 and 22 [and Chapter Vili-A'12 all rules shall be subject to the condition of previous publication. [(5) In making any rule the State Government may direct that, a breach thereof shall be punishable with fine which may extend to two hundred and fifty rupees, and where the breach is continuing one, with further fine which may extend to ten rupees for every day after the first during which the breach has been persisted in.] I The power to make rules conferred by this section shall include the power to give retrospective effect to the rules or to any one of them. (7) All rules made under this Act shall be laid on the table of the Legislative Assembly.]5 93. In addition to any power specially conferred by this Act, the State Government may make rules— prescribing the manner in which irrigation panchayats shall be constituted and dissolved, conferring on them further powers and allotting to them further duties, regulating their procedure, and providing for their remuneration ; regulating the control and distribution of irrigation beyond the outlet, prescribing the authority controlling and distributing such irrigation and providing for all matters connected with such control and distribution including the levy and recovery of charges for the purpose of remunerating such authority (b) prescribing the rates at which money shall be paid 2. 3. 4. 5. 6. to persons required to attend an inquiry under this Act; and (c) generally, for the purpose of carrying into the provisions of this Act. Omitted by M. P. A. O. 1956 Ins. by M. Y. Act 23 of 1960, S. 6, Omitted by M. P. Act 56 of 1976. S 2 Subs. by M. P. Act 43 of 1973, S. 10. ins. by P. Act 56 of 1976. S. 2 (b) Ins. by C. P. and Berar Act 55 Q1' q o THE MADHYA PRADESH IRRIGATION ACT, 1931 111 [94. Whoever, without proper authority, does any of the Offences and penalties. that is to say— following acts, enlarges or obstructs any canal; (a) damages, alters, (b) interferes with, increases, or diminishes the supply of water in, or the flow of water from through, over or under, any canal; (c) interferes with or alters the flow of water in any river or stream, so as to endanger damage or render less useful any canal; (d) being responsible for the maintenance of a water course, or using water-course, neglects to take proper precautions for the prevention of waste of the water thereof, or interferes with the authorised distribution of the water therefrom or uses such water in an unauthorised manner ; (e) receiving water in his fields for irrigations, neglects to take proper precautions for the prevention of waste of such water; corrupts or fouls the water of any canal so as to render it less fit for the purposes for which it is ordinarily used ; (g) being a permanent holder, occupier, cultivator or agricultural labourer, resident in a village in which a proclamation under section 36 has been made, neglects to attend at the place appointed or refuses or neglects to carry out the duties allotted to him; (h) destroys, injures, defaces or removes any land-mark, level-mark, water-gauge or other apparatus fixed by the authority of a canal officer; (i) causes animals or vehicles to pass on or across any of the works, banks or channels or any canal after such passage has been prohibited by a canal officer ; (j) causes or knowingly and wilfully permits animals to graze or be tethered upon the bank or border of any canal after such grazing or tethering has been prohibited by a canal officer ; (k) removes or injures any tree, bush, grass or other vegetation on any canal; or (l) cases himself on the banks or in the channel of a canal ; shall on complaint made by a canal officer— (i) be punishable in respect of offences mentioned in clauses (a) to (h)), with imprisonment which may extend to six months or with fine which may THE MADHYA PRADESH IRRIGATION ACT, - Compensation to private persons Power to order repairs to be done. Power to remove person causing mischief, Power to arrest person causing mischief. extend to one thousand rupees or with both, and 'when the offence is a continuing one, with an additional fine not exceeding twenty rupees for every day after the first during which the offence has been persisted in; and (ii) be punishable in respect of offences mentioned in clauses (i) to (l) with fine which may extend to one hundred rupees and if the same person is subsequently convicted for a like offence shall be liable for imprisonment which may extend to one month for each such subsequent conviction.] 95. Whenever any magistrate imposes a fine upon any person for an offence under this Act, he may direct that the whole or any part of such fine shall be paid by way of compensation to any person-injured by such offence. 96. M'

When any person is convicted of an offence under section 94, or of the offence of mischief under the Indian Penal Code in relation to any canal, the court may order him to remove the obstruction or repair the damage or replace or repair the land-mark, level-mark water-gauge or apparatus, in respect of which the offence was committed, within a period to be fixed in such order; and, if such person neglects or refuses to obey such order within the period so fixed, the Executive Engineer may carry out the work in accordance with such order, and the cost thereof shall be recoverable from such person by the [Collector] as arrears of land-revenue

97. Any canal officer or canal subordinate may remove or cause to be removed from any Canal any person who in his view, commits or is about to commit any of the offences mentioned in clause (a), (b), (c), (h) or (l) of section 94.

(1) Any canal officer or canal subordinate may take into any person who in his custody without view commits any of the offences mentioned in clause (a), (b), or (c) of section 94, and shall forthwith release him on bail, or, if he fails to furnish bail, take him, or cause him to be taken, to the nearest magistrate having jurisdiction to try the offence: Provided that if there be no such magistrate within a distance of five miles, the canal officer or canal subordinate making the arrest shall take the offender, or cause him to be taken, to the nearest police station, and the officer-in-charge of such police station may cause him to be taken before the nearest magistrate having the offence, or may take sufficient jurisdiction to try security for his appearance before such magistrate. (2) The custody of any person to whom an offender may be made over under sub-section (1) shall be deemed to be lawful custody. subs. by M. P. Act 42 of 1973, S

2. Subs. by M. P. A. O. 1956, for "Deputy Commissioner" THE MADHYA PRADESH IRRIGATION ACT, 1931 Composition of offences 99. [(1) Any canal officer may accept from any person, against whom a reasonable suspicion exists that he has committed an offence punishable under this act or the rules made thereunder a sum of money not exceeding two hundred and fifty rupees, for composition of such offence. (2) On payment of such sum or money, the suspected person, if in custody, shall be discharged, and no further proceedings shall be taken against him in regard to the offence so compounded. (3) Rules may be made under this Act regulating the procedure of canal officers in compounding offences. 100. (1) The Northern India Canal and Drainage Act, 1873 (8 of 1873) is hereby repealed in its application to the [Madhya Pradesh (2) The Central Provinces Canal Management Act, 1919 (1 of 1919) and the Central Provinces Canal Management (Amendment) Act, 1923 (4 of 1923) are hereby repealed. (3) But charges created, powers vested, rules, orders, appointments, agreements and contracts made, and suits instituted and proceedings taken any of the said under Acts shall, as far as may be, be deemed to have been Repeals and savings, created, vested, made, instituted and taken respectively duly under this Act. subs. by M. P. Act 42 of 1973, S. 12 1950, for "Central Provinces and Berar •

2. Subs. by A. Q fZ7i7*i 30--5-2001.' 25. 1934 3iR IS 20B 376/*. 07-01-2013 3.qqfd t, t. 26 (3) 2. 15 2013 2 2013) () afifrrzrq, 2012 1931 (3 (æ:i-OF) 33fÅfiuq, 2012 OTT. 1 2000 1931 Gi. 3 1931) 15 2013 10/2i-wyr«Æ. 348 (3) (*F) 20h2 2 2. 15 2013 CHHATTISGARH ACT (ND. 2 of 2013) CHHATTISGARH IRRIGATION (AMENDMENT) ACT, 2012 An Act further to amend the Chhattisgarh Irrigation Act, 1931 (No. 111 of 1931). Be it enacted by the Chhattisgarh Legislature in the Sixty-third Year of the Republic of India. as follows : This Act may be called the Chhattisgarh Irrigation (Amendment) Act, 2012 Short extent (2) It extends to the whole State of Chhattisgarh. shall be deemed to have come into force from 1st November, 2000. relating to Chapter VI-A of the Chhattisgarh Irrigation Act, 1931 (No. 111 of 1931) '•Bectermnt Contribution'. shall be omitted. aza con.tncnee- Omission (Chapter VI-A. —2013.