

No.-113/2019/718/19-27-Sin0-4-28(W)/2019

Sender,

**T. Venkatesh,
Chief Secretary,
Uttar Pradesh Government.**

To,

1-Additional Chief Secretary/ Chief Secretary/ Secretary, Forest, Geological & Mineral Resources Department and Fisheries Department.

2-All District Magistrates, U.P.

3-All Senior Superintendent of Police/ Superintendent of Police, U.P.

Irrigation and Water Resources Section-4

Lucknow: Date: 02 April,

2019 Subject: Regarding receipt of income from the assets of the Canal Commandant of the Irrigation Department.

Sir,

It is to be informed that under Notification Number-347/79-V-1-09-1(k)35-2008 dated 20th February, 2009, as promulgated, in Section 27(2) of the Uttar Pradesh Participatory Irrigation Management Act, 2009, a provision has been made for earning income from properties and assets in the operational command area of the irrigation system.

2- Under the provisions of Section 27(2) of the said Act, the following actions are to be taken for earning income from the assets of the irrigation department's canal command:

1. **Description of Assets**— In the operational area of minor canals (Alpika) and (Rajbahas), Water User Associations may generate income from the following assets-

- (i) Income from the sale of silt extracted from the canal or the silt available in it.
- (ii) Income from the sale of broken and dried trees on canal land and residue from jungle clearing on the canal.
- (iii) Income from the sale of fish available in the canal command area.
- (iv) Income from the rent of temporary markets (tehbazari) on land acquired for the canal.
- (v) Income from rent received from farmers doing agricultural work/horticulture on land acquired for the canal.
- (vi) Income from the sale of tree produce on canal land.
- (vii) Rent received from the use of unused inspection houses located near the canal.

2. **Procedure for Sale of Assets**— In the sale of assets, the following procedure shall be adopted by the Water User Associations:

(a) Determination of rate for sale/rent— The concerned Water User Committee's Management Committee, after consultation with the competent Canal Officer, will prepare a proposal for the sale/rent rate and obtain consent from the majority of its General Assembly (including quorum present and voting members) and get approval from the Executive Engineer. If the quorum is not present in the General Assembly meeting, the meeting will be cancelled and with the consent of the competent Canal Officer, the next General Assembly meeting will be convened. In the reconvened meeting, quorum requirement will not be mandatory. The validity of the rate thus determined will be 2 years.

(b) Assessment of quantity of assets— The Management Committee of each Water User Association shall prepare an assessment of the quantity of assets and obtain approval from the Executive Engineer through the competent Canal Officer.

(c) Maintenance of Sale/Rent Register— Each Water Consumer Committee shall maintain a separate Sale/Rent Register for every asset for the purpose of accounting related to the sale, rent, or other transactions involving the assets.

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(d) Payment of Tax/Fee— At the time of approving the rate of sale/rent by the Executive Engineer, details/information related to the applicable tax/fee shall be provided to the Water Consumer Committee.

The tax/fee applicable on the income received from the sale of the asset shall be deposited by the Water Consumer Committees in the Divisional PIM Cell. This amount shall then be deposited by the PIM Cell, on behalf of the Water Consumer Committee, to the concerned department. The PIM Cell shall maintain the details of these transactions in a register.

3. Amount Received from Rent/Lease and Expenditure – The amount received from rent/lease of assets shall be preserved, utilized, and expended as per the following provisions-

(a) Preservation of Amount Received from Sale/Rent- The amount received from the sale or rent of assets shall be kept in a joint account operated by the Secretary and Treasurer of the Water Consumer Committee. The interest earned on this amount shall be utilized for fulfilling the objectives and activities of the Participatory Irrigation Management Act, 2009.

(b) Expenditure of Amount and Its Reporting—The expenditure of the amount received from the sale/rent of assets shall be made for fulfilling the functions and objectives prescribed under the Participatory Irrigation Management Act, 2009 for the Water Consumer Committee. Details of the received amount shall be recorded in the sale/rent register and the information shall be provided to the competent Canal Officer. The details of expenditure made from the joint account operated by the Secretary and Treasurer, along with supporting documents, shall be made available to the competent Canal Officer as well as to the Committee's audit authorities.

3. Therefore, in this regard, it is requested that upon carrying out the above-mentioned actions, the concerned authorities be directed to provide the necessary cooperation from their side to the Irrigation Department officials.

**Yours sincerely,
T. Venkatesh
Chief Secretary.**

No.113/2019/718(1)/19-27-Si-4 Dated

Copy – Sent to the following for information and necessary action –

1- Chief Engineer and Head of the Department, Irrigation Department, Uttar Pradesh, Lucknow 2- Chief Engineer (Project), Irrigation Department, Uttar Pradesh, with reference to their letter no.

25 dated 19.01.2019

3- Director, PIM and Chief Engineer Level-1 (Project and Research), Irrigation Department, Uttar Pradesh

4- Chief Engineer (Pact/Budget), Irrigation Department, Uttar Pradesh, Lucknow

5- Guard file

**Order By,
Anita Verma Singh
Special Secretary.**

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