

GUJARAT CANAL RULES, 1962

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GUJARAT CANAL RULES, 1962

In exercise of the powers conferred by section 70 of the Bombay Irrigation Act. 1879 (Bom. VII of 1879), and insupersession of Govern- ment Notification in the Public Works Department No.

1556. dated the 19th December. 1922, the Governor in Council is pleased to make the following rules for the administration of canals in the State of Bombay with effect from the 15th February 1934, namely:

PART 1

Preliminary

1. Short title :-

(1) These rules may be called the Gujarat Canal Rules, 1962.

(2) They shall apply to the whole State of Gujarat.

2. Definition :-

In these mles unless there be something repugnant in the subject or context.

(a) "The Act" means the Bombay Irrigation Act, 1879;

(b) "Block" means the whole area of certain specified land to which the block system is applied:

(c) "Block conditions" means the special conditions prescribing regulating or restricting the irrigated cultivation which may be carried on within a block:

(d) "Block period" means the period for which a supply of water is sanctioned under the block system;

(e) "Block rate" means a fixed uniform annual rate per acre levied for the supply of water to a block:

(f) "Block system" means a system under which a supply of water is provided for carrying on irrigated cultivation under certain conditions throughout a block for a period of years:

(g) "Cold weather season" means the period from the 16th October till the 15th March ensuing:

(gg) "Eight months perennial block" means a block in which irrigation of perennial crop is permitted in a portion of the block during monsoon and cold weather seasons:

(h) "Executive Engineer" means the Executive Engineer in charge of Irrigation in any area and includes any officer duly empowered in that behalf:

(i) "Form" means a form prescribed by these rules:

(j)[Omitted]

(k) [Omitted]:

(l) "Hot weather crop" means a crop grown within the period between the end of the cold weather season and the break of the monsoon season:

(m) "Hot weather season" means the period from the 16th February till the 15th June ensuing:

(mm) "Kharif block" means a block in which irrigation of Kharif crop is permitted:

(n) "Kharif crop" means a crop grown within the period from the break of the monsoon season to the beginning of the cold weather season:

(o) "Monsoon season" means the period from the 16th June till the 15th November ensuing;

(p) "Outlet" means an opening through which water passes from a Government canal, branch canal or distributary to a private water course:

(pp) "Paddy block in the Kalambandhi area" means a block in which irrigation of paddy crops only is permitted for a period of thirty years in the Kalambhandhi area in Kaira District under a sanction to be obtained individually by the irrigators in the Kalambandhi area:

(q) "Pass" means a written order issued to any person authorising him to receive a supply of water from a canal;

(qq) "Perennial block" means a block in which irrigation of perennial crop is permitted;

(r) "Perennial crop" means a crop which is irrigated continuously for a period of more than eight months:

(s) "Plot" means one or two or more portions into which a piece of land is divided for the purpose of irrigation, each of such portions being provided with a separate inlet for irrigation water:

(t) "Prescribed" means prescribed by these rules:

(tt) "Rabi block" means a block in which Irrigation of rabi crop is permitted:

(u) "Rabi crop" means a crop grown within the period between the

16th October and 15th March ensuing:

(v) "Seasonal crop" means a crop which is sown, cultivated and reaped during a particular season of the year:

(w) "Section" means a section of the year:

(x) "Sub-divisional Officer" means the Sub-Divisional Officer in charge of irrigation in any area subordinate to the Executive Engineer:

(y) [Omitted]:

(z) "Superintending Engineer" means the Superintending Engineer in charge of Irrigation in any area:

(aa) "Two season block" means a block in which irrigation during the monsoon and the cold weather season is permitted;

(bb) "Two season crop" means a crop the period of growth of which extends over the whole or part of both the monsoon and cold weather seasons:

(cc) "Unit" means one or two or more plots, each of a standard area, into which a piece of land is divided, such sub-division being maintained for a number of years:

(dd) "Unitized" means divided into units.

3. Exemptions :-

The State Government may by notification in the Official Gazette exempt any canal from operation of all or any of these rules.

PART 1A

Construction of Water-Courses

3A. Manner in which water courses shall be constructed :-

The dimensions and the bed slope of a water course shall be such as may be adequate for the easy passage of water through the water course to all fields to which water is supplied from the canal.

3B. Manner of publication of draft scheme in village :-

The publication of a draft scheme in a village shall be by affixing a copy thereof along with a notice under sub-section (4) of section 20-A in the Chora of the village concerned.

3C. Other Manner of publication of final scheme :-

The final scheme shall be published by affixing a copy thereof in

the Chora of every village through which the water course is proposed to be taken and also at a conspicuous place in the Sub Divisional Office concerned.

3D. Notice under section 20-C and mode of service :-

(1) A notice under section 20-C shall be

(a) in Form A-i(a) for the purposes of clause (a) of that Section, and

(b) in Form A-i(b) for the purposes of clause (b) of that Section.

(2) every such notice shall be served by registered post or by delivery by hand of a copy of the notice to the addressee or to an adult male member of his family residing with him.

(3) In the case of a delivery of a notice by hand, the signature or thumb impression of the person on whom the notice is served shall be taken in token of the service.

(4) If the addressee cannot be found or the authorised canal officer is satisfied that he is evading service or that he refuses to take the notice, the notice may be served by affixing a copy thereof upon some conspicuous part of the house in which the addressee ordinarily resides.

3E. Form of certificate :-

A certificate to be issued under clause (i) of sub-section (1) of section 20-E shall be in Form A2.

3F. Period for lump sum payment :-

Any payment in lump sum under clause (i) of sub-section (1) of section 20-F shall be made

(1) within a period of two months from the date of the service of a notice under clause (b) of section 20 C, and

(2) in any other case within a period of a six months from the date of the issue of a certificate under section 20-E.

PART 2

Supply of Water

4. Application under section 27 : how to be made :-

(1) Every application for supply of water for the purpose of irrigation shall be made in duplicate to the Executive Engineer.

(2) Such application may be delivered personally or sent by post to the Executive Engineer or to any officer authorised by him to receive it.

(3) Such application shall be made, in the case of

(a) Two season blocks, in Form I,

(b) Rabi blocks, in Form II,

(c) Kharif blocks, in Form III.

(cc) Paddy blocks in Kalambandhi area in Form III-A.

(d) Eight months perennial blocks, in Form IV,

(d1) 1/3rd Sugarcane/Plantain blocks in Form V.

(d2) 1/4th Sugarcane/Plantain blocks in Form V-A.

(e) Additional waterings, watering in Form VI,

(e1) Supply of water free of charge from Nallas, Rivers, Streams etc. vesting in the Public Works Department on which Government has not incurred any expenditure, in Form VI I-A,

(e2) Supply of water for irrigation from tubewells. in Form VII- D, and

(f) Any other form of supply, in Form VII.

(3-A) An application for registration as regular irrigator on a tube-well shall be made in Form VII-B and an application for cancellation of such registration shall be made in Form VII-C.

(3-B) An application for cancellation of blocks referred to in clause (a), (b). (c). (cc) and (d) of sub-rule (3) shall be made in Form VII-E subject to the provisions of rule 27.

(4) Printed blank copies of the prescribed forms of applications shall be supplied to intending applicants free of charge.

(5) An application for a supply of water for any purpose other than irrigation shall be made by a letter addressed to the Executive Engineer.

5. Dates for applications :-

(1) The Executive Engineer shall, by notification published in a manner prescribed by the State Government by general or special

order in this behalf, fix for each canal the date for submission of each of the prescribed applications. Any change in any of such date shall be notified not less than three months in advance: Provided that if in any year a change is deemed to be advisable on account of unforeseen seasonal or economic conditions or changes in administrative arrangements, a later date may be fixed without such three months' previous notification.

(2) Every application for a supply of water for the purpose of irrigation shall be made in the form prescribed on or before the date fixed under sub-rule (1) for the submission of such applications:

Provided that if an application is received after such date and the Executive Engineer is satisfied that the delay was unintentional and due to causes beyond the control of the applicant, he may treat such application as if it had been received on the due date:

Provided further that if it appears to the Executive Engineer that a supply of water will be available after all applications received before such date have been disposed of, he may receive applications up to any later date.

6. Acknowledgment of applications :-

When an application for a supply of water is personally delivered, the counterfoil receipt for application attached to the duplicate form shall be initialed and dated by the officer receiving such application and handed back to the person from whom such application is received. In other cases, the counterfoil shall be similarly initialed and dated and shall be despatched to the applicant as soon as may be practicable after the application is received.

7. Application by whom to be made : conditions for sanction. :-

An application for a supply of water for the irrigation of land for any period may be sanctioned in favour of

(1)

(a) the occupant or joint occupants of the land, or

(b) the superior holders or joint superior holders of alienated land, or

(c) any other person or persons having a right to cultivate the land under irrigation for the period for which supply of water is to be

given, or

(d) any other person duly authorised by any of the persons mentioned in clause (a), (b) and (c) to receive such supply.

(2) An application made by a person having neither such interest in the land as mentioned in clause (a), (b) and (c) of sub rule (1) nor such authority as is mentioned in clause (d) of the said sub-rule may be summarily rejected by the Executive Engineer.

(3) An application made by a person other than the occupant or superior holder shall not be sanctioned unless such applicant furnishes suitable security for the payment of water-rates or other charges which may be come payable in respect of any obligation arising out of the sanction of such application, by the execution either of a bond in Form VI11 with two sureties to be approved by the officer sanctioning the application or of a mortgage bond in Form IX. In the case of a person who is member of a co-operative society as defined in the Gujarat Co-operative Societies Act, 1961 and who has taken a loan from such society under section 49 thereof and made a declaration in respect of his land in the manner required by clause (a) or (b) of Sub-s. (1) of that section, the execution of a mortgage bond, if any, shall be made in Form IX-A.

(4) When an application is made by the occupant or superior holder, the Executive Engineer may, if he considers that security is necessary, by an order in writing such applicant to furnish similar security as is described in sub-rule (3).

(5) When an application is made by a person other than the occupant or superior, the Executive Engineer may refuse to sanction such application unless the consent of occupant or superior holder has been obtained by the applicant. If the consent of any other person having an interest in the land as mortgagee or otherwise appears to the Executive Engineer to be necessary to ensure that all obligation, arising out of the sanction, of such application will be carried out he may require such consent also to be obtained by the applicant.

8. Applications may be rejected or complied with wholly or in part: Manner of sanction : Approval :-

(1) The Executive Engineer may reject the application for a supply of water or sanction the supply applied for wholly or in part with modifications.

(2) Subject to such orders at the State Government may from time to time issue, the Executive Engineer may refuse sanction a supply of water for irrigation to any land under any of the forms prescribed in sub-rule (3) of rule 4 of such irrigation would, in his opinion lead to excessive of waste full use of water, or cause, or contribute to cause, damage or injury to such land or any other land, or cause loss or injury to the cultivator of any other land, or be likely to produce conditions dangerous to public health.

(3) The Executive Engineer may refuse to sanction a supply of water for the cultivation of sugarcane to any land within a distance of 10 feet from the boundary of any road, cart-track, open drain or well, if such supply would, in his opinion interfere with the use of, or cause damage to such road, cart- track, drain or well.

(4) The order passed under sub-rule (1). (2) or (3) shall be recorded on the application: the duplicate form of the application shall be endorsed with a copy of the order and delivered or despatched, as the case may be to the applicant. If any supply is sanctioned the counter foil attached to the original application shall be sent to the Talati or Patil of the village in which the land is situate.

(5) If the supply sanctioned is different from that applied for, the applicant may either withdraw his application, in which case the sanction given shall be cancelled or make a further application for a modification of the sanction. Such further application if sanctioned, shall not be deemed to be an application made after the prescribed date.

(6) If an applicant is in arrears of water rates which became due before the date of the application, the application may be summarily rejected or sanction may be given subject to the condition that such arrears are paid before a date to be specified by the Government.

(7) [Deleted]

(8) If the Executive Engineer has reason to doubt the authenticity of any signature or endorsement or the truth or accuracy of any of the information furnished in an application, he may postpone the passing of orders until he has made such inquiries as he deems necessary in order to ascertain the facts. In such case, he shall record in writing his reason for postponing the passing of orders.

9. Areas for which permission may be granted :-

(1) Sanction for the supply of water to any land may be given if

(i) the acreage of such lands is 10 Ares (10 Gunthas) or more.

(ii) such land, through its acreage is less than 10 Ares (10 Gunthas} comprises the entire holding of the applicant.

(2) No separate sanction shall be given for the supply of water to irrigate different crops in the same land unless the total area of such land is or exceeds 20 Ares (20 Gunthas) and the total area for each crop therein is not less than 20 Ares (20 Gunthas).

(3) Subject to sub-rule (4), water for irrigation shall not be supplied to any land unless sanction has been given therefor under sub-rule (1), or (2)".

(4) In the case of areas irrigated:

(i) under a block system in respect of any canal, or

(ii) for any crops on any other system of irrigation. Water for irrigation shall not be supplied to any land unless it has been Unitized into plots, each consisting of an area of 20 Ares (20 Gunthas):

Provided that water for irrigation may be supplied to any land, without unitisation. if such land is less than 20 Area (20 Gunthas). and

(a) eligible for sanction under clause (ii) of sub-rule (1), or

(b) forms part of the entire holding of the applicant, who has obtained sanction for supply of water to his holding, and is a fragment which is too small to form a unit.

(5) Water shall not be supplied to any piece of land for irrigating more than two sugarcane crops during any period of five irrigation years.

10. Allotment of available supply :-

If from any cause, any water supply is insufficient to meet all demands for water from such supply questions regarding the allotment of the available supply and the quantity and regulation thereof shall,-subject to the general or special orders of the State Government, be determined by the Executive Engineer.

PART 3

Supply of Water

PART 4

Cultivation and use of Water

12. Cultivation and use of water :-

The following provisions in respect of cultivation and use of water shall be observed.

(1) A suitable system of water channels shall be so maintained that the water required for the irrigation of any plot can be supplied directly from a channel.

(2) The number and location of the inlets necessary for the supply of water to any such system shall be subject to the general or special orders of the Executive Engineer.

(3) No irrigation water shall be allowed pass from one plot to another plot.

(4) The order in which water is supplied shall be subject to the general or special orders of the Executive engineer.

(5) No crop shall be grown in the channels leading to the plots when such channels are less than 4 feet wide from the top inner edge of the bund and after earthing up there shall be no cane growing in or interfering with the flow of water in the channels.

(6) No crop shall be planted within 6 feet of the edge of a main water-course. If a question arises as to what is a main water course. the Executive Engineer shall decide the matter and his decision shall be final and conclusive.

(7) No crop shall be grown along the slopes of the top of any bund. A subsidiary crop may, however, be grown along the slopes of the bund provided the growth of such subsidiary crop does not interfere with inspection.

(8)

(a) Any bund may, immediately after rain, be cut without permission. Such bund shall, however be properly repaired before the next watering is taken.

(b) Except as provided in clause (a) a bund may be cut only in case of emergency: and if the person on whose application the supply of water is sanctioned under these rules cuts the bund he shall be

liable for any wastage of water unless he shows to the satisfaction of the Executive Engineer that the accumulation of water, if any, was due to cause for which he was not responsible.

(9) The person on whose application the supply of water is sanctioned under these rules or his servant shall be present during the whole time that water is being taken and if a pass has been issued such person shall have it in his possession.

PART 5

Water Rates

13. Water rates when payable :-

The dates in each year for payment of water rates shall, subject to orders passed by the State Government under section 57, ordinarily be : For rabi crop..... April 15th. For all other Crops..... February 14th

14. Water rates how to be fixed :-

The rates, determined by the State Government under section 44 for canal water supplied for purposes of irrigation shall, in the absence of a special agreement or contract, ordinarily be levied in the form of

(a) a rate per acre of land irrigated, fixed with reference to the crops grown, the season of the year during which and the period for which, water is supplied and the method of application of water to the land, or

(b) a rate per unit of quantity of water supplied.

15. Manner of levying water rates :-

In the case of any land, water rates shall be levied on the total area thereof as specified in the sanction given under sub-rule (1) or (2) of rule 9 and shall be payable whether water is taken or not. provided that water for such supply was available.

16. Water rate leviable when mixed crops are grown :-

If mixed crops are grown in any part of a plot for any period, the water rate fixed for the highest rated crop so grown shall be charged for the whole plot for the whole period with respect to which such rate is leviable.

17. Water rate leviable when crop sanctioned is not planted or fails and another crop is grown :-

When the sanctioned crop is not grown, or if grown fails, another

crop may be sown in the same area: and, provided water is available, water shall be given to such second crop to the date up to which water would have been given to the crop sanctioned. No additional charge be levied if intimation shall have been given to the Deputy Engineer in writing within fifteen days of planting the fresh crop and if the second crop is assessable at the same or a lower rate than the sanctioned crop. If no such notice shall have been given, the irrigation of the second crop may be treated as unauthorised.

18. Water rate leviable when land intended to be irrigated by canal water is irrigated partly by well water :-

If a portion of any land for the irrigation of which a supply of canal water has been sanctioned is irrigated by well water for a part of the season owing to a deficiency in the supply of canal water, and the applicant notifies the fact in writing to the Executive Engineer within eight days from the date on which he began taking well water, enquiry shall be made by the Executive Engineer as to whether the use of well water was necessary and if it be shown to the satisfaction of the Executive Engineer that the use of well water was necessary the rate chargeable on the portion irrigated by well water may, at the discretion of the Executive Engineer, be reduced to an amount which shall not be less than half the rate otherwise payable.

19. Water rate leviable when well water and canal water are conveyed in the same channel :-

If well water is conveyed to any land in any channel used for conveying canal water, water rate shall be chargeable on the whole of the land irrigated from such channel:

Provided that if well water be taken for a part of the season owing to a deficiency in the supply of canal water and the applicant notifies the fact in writing to the Executive Engineer within eight days from the date on which he began taking well water and if it be shown to the satisfaction of the Executive Engineer that such deficiency existed the rate on the portion irrigated by well water may, at the discretion of the Executive Engineer, be reduced to an amount which shall not be less than half the rate otherwise payable.

20. Irrigation from escape channel percolations and leakages :-

Irrigation from escape channels and from percolation and leakage

falling under section 48 shall be subject to the same provisions as irrigation from other parts of a canal.

21. Water rate leviable for supply of water for forming threshing floors :-

The Executive Engineer may give water for the purpose of forming threshing floors free to any person to whom a supply of water for irrigation has been sanctioned under these rules and to any other person at a charge per floor not exceeding half the lowest acre rate.

22. Water rates for non-irrigated purposes :-

Water supplied from a canal for any purpose other than irrigation shall be charged for at such rate per unit of volume of water supplied as the State Government shall from time to time by order direct. Where the amount of water supplied cannot be measured the supply shall be charged for in such manner as the State Government may by order direct in each case.

23. Water rate leviable for supply of water obtained without permission or misused :-

If a supply of water is obtained by any person from a canal whether for irrigation or for any other purpose, without the previous permission of the Executive Engineer or is used in any other unauthorised manner for irrigation or otherwise, the Executive Engineer, may charge a rate not exceeding treble the seasonal rate chargeable for the supply as if such supply had been sanctioned. Such rate shall be leviable in addition to any penalty which may be imposed under the Act.

23A. . :-

If a person, whose application for supply of water for Irrigation is rejected for the reason of non payment of arrears of water rate or for any other reason, obtains water from a canal, then, he shall be required to execute an agreement in Form No. X which shall be construed as authentic record for assessment of penal water rates by the Canal Officer.

24. Water rate leviable on late applications :-

When an application for supply of water presented after the prescribed date is sanctioned. the water rate to be charged for the supply of water for the first irrigation period for the growth of any crop, shall be twice the normal rate chargeable for supply of water for that period of the growth of that crop:

Provided that the Executive Engineer may, if he is satisfied that an application could not be submitted on or before the prescribed date and after recording his reasons in writing, order any lower rate not less than the normal rate to be charged in the case of any such applicant or any class of such applicants.

25. Water rate leviable for water used for the irrigation of an area in excess of the sanctioned area :-

When sanction has been given to irrigate a specified area and the applicant irrigates an area in excess of such specified area, the Executive Engineer may charge in respect of such excess area a rate not exceeding treble the rate chargeable for the supply as if the supply had been sanctioned for such excess area and may stop the supply of water under clause (d) of section 28:

Provided that if the Executive Engineer is satisfied that the excess area was irrigated through a bona-fide mistake, no charge in addition to the normal water rates shall be leviable in respect of the excess area irrigated to the extent of 5 percent of the area sanctioned for irrigation or 5 ares (5 gunthasj, whichever is less.

26. Charges to be imposed when water supplied through a water- course is suffered to run to waste :-

When water supplied through a water-course is suffered to run to waste, the Executive Engineer may, under section 46, charge

(a) if the water has flowed on any land, a rate not exceeding double the single watering rate for each on which water has flowed, and

(b) in any other case a rate not exceeding double the rate chargeable under rule 22, on the volume of water estimated by the Executive Engineer to have been wasted.

27. Cancellation of blocks :-

(1)

(a) A block may be cancelled at the request of the person on whose application the supply is sanctioned if such person applies for its cancellation by giving a notice of at least six months.

(b) The cancellation shall become effective from the beginning of the irrigation season following the expiry of the notice period.

(c) All demands as regards water rates, irrigation case and any

other charges payable under the Bombay Irrigation Act, 1879, shall be fully paid by the holder of the block before the expiry of the notice period.

(d) If in respect of blocks other than the paddy blocks in Kalambandhi area, the cancellation becomes effective within the first two years of the block sanction, water rates for the irrigation facilities availed of up to the date of cancellation shall be payable at the ordinary water rates.

(e) An application for cancellation of sanction of a paddy block in the Kalambandhi area shall not ordinarily be entertained before the expiry of a minimum period of five years from the date of sanction of the block.

(f) In respect of paddy blocks in the Kalambandhi area, an application for cancellation of sanction of the block is received by the Executive Engineer and the sanction is cancelled, the applicant shall not ordinarily be eligible in future, for sanction of a paddy block in the said area.

(2) The Executive Engineer may, at any time after giving twelve months' notice canal any block or part of a block other than paddy blocks in Kalambandhi area if in his opinion the further continuance of supply of water to it, is objectionable. In such case, however, the concessions in the water rates' admissible to such block shall not be affected.

27A. Cancellation of sanction for supply of water or assessment in respect thereof :-

If after the supply of water is sanctioned it is not possible to supply water for irrigating the land even once, by reason of the fact that the necessary water course could not be constructed by a holder of land in discharge of his duty under section 15-A on account of obstruction from or prevention by the neighbouring land holders, or for reason of serious error of judgment in planning of Kharif programme or unnoticed defect in construction of canals for which the applicant could in no way be held responsible the connection for supply of water or assessment in the respect thereby, if any shall be cancelled by the Superintending Engineer on basis of a panchnama recorded in that behalf by an officer not below the rank of a Sub-Divisional Officer.

28. Remission of water rates :-

Remission of the whole or a part of the water rate payable by any

person in respect of the supply of water for the purpose of irrigation to any land may be granted where such persons has suffered loss

(a) from any stoppage diminution of increase of his water supply due to any of caises named in clause (d) of the proviso to section 30 or to any act or omission of a canal officer not provided for in the said clause: or

(b) from failure of his crops due to any local or general calamity: Provided trie outturn of the crops is not more than one quarter or normal.

29. Claims for remissions under rule 21 :-

(1) Every claim for remission of water rate under rule 28 shall be preferred in writing direct to the Executive Engineer within one month from the time when the damage or failure in respect of which the remission is claimed, is alleged to have occurred. Any claim preferred after the said period of one month may be summarily rejected.

(2) If. without giving the Executive Engineer at least 8 day's notice in writing of his intention so to do. the claimant cuts the crops alleged to have been damaged or to have failed at any time within 20 days after preferring his claims for remission, his claim may be summarily rejected.

30. Readings maintained of water gauges and meters by the irrigation Department to be accepted as authoritative :-

In cases of dispute regarding water supply or remission or exemption from water rate, the water gauges and meters maintained by the Irrigation Department shall, if certified by the Executive Engineer to have been in good order during the period to which the dispute relates, be held to furnish authoritative data for all calculations of discharge.

PART 6

Emergency Rules

31. List of labourers when to be prepared :-

Whenever it appears to a Canal Officer duly empowered to act under section 58. that circumstances may probably arise which will render it necessary for the provisions of that sanction to be put into operation, for the execution of any repair clearance or other work which is being or is about to be carried on by the Irrigation

Department, he shall communicate with the Collector. The Collector shall thereupon cause a list to be prepared of able bodied persons liable to be required to assist under section 58. Such list may from time to time be revised and amended.

32. Area for which list of labourers should be prepared :-

Every list of labourers prepared under rule 31 shall, subject to the next following rule included the names of persons holding land or resident with such distance from the locality, of the repair, clearance or work as the Collector, 'having regard to the number of the persons likely to be required to assist at such repair clearance or work, shall think proper.

33. Classes of persons to be included in or exempted from list of labourers :-

Every list of labourers prepared under rule 31 shall contain the name of every able-bodied landholding land within the area fixed by the Collector under the last preceding rule and of every able-bodied man or woman who resides within such area and earns his or her livelihood by manual labour:

Provided that

(a) the names of Indian soldiers, reservists and military pensioners and of persons who appear to the Collector to be under sixteen years or over fifty years of age shall not be included in such list, and

(b) any landholder who is unaccustomed to manual labour shall be permitted when called to assist at any repair. clearance or work to furnish as a substitute any able-bodied person whose name is not on the list.

34. Publication of list or labourers :-

The Collector shall cause the names of the persons holding land or resident in any village within the area fixed under rule 32 and included in a list of labourers to be posted in the Chavdi or in some other public building in such village, and to be proclaimed in the village by beat of drum.

35. Healing of objections :-

Any person whose name is entered in a list of labourers may apply in writing to the Collector to have his name removed therefrom. The Collector, after such inquiry (if any) as he thinks necessary, shall record his decision in writing rejecting or granting the

application.

PART 7

Appeals

36. Appeals :-

(1) An appeal in accordance with the provisions of sub-rule (2) shall lie against an order

(a) Passed under rule 8, or

(b) requiring an applicant who is an occupant or superior holder to give security under rule 7, or

(c) rejecting a surety tendered under rule 7 as unapproved.

(2) If the original order was passed by

(a) a Sub-Divisional Officer, the appeal shall lie to the Executive Engineer, or

(b) the Executive Engineer, the appeal shall lie to the Superintending Engineer.

(3) Every order passed by an Executive Engineer under rule 18 or 19 shall be appealable to the Collector, provided that the appeal is presented within 30 days of the date on which the order appealed against was communicated to the appellant.

37. Manner of preferring appeals :-

All appeals preferred under the Act or under these rules must be made by a written petition signed by the appellant. Such petition may be delivered at the office of the Appellate Authority by the appellant in person during office hours or forwarded through post.

PART 8

Miscellaneous

38. Water rates chargeable under section 48 :-

Without the special sanction of the State Government water rates under section 48 shall not be charged on land wanted by a well or wells sunk at a distance of more than 100 feet from any canal situated in the State: Provided that such well or wells is or are fed by natural percolation only and not by a surface channel or a constructed underground channel or pipe.

39. Closing of canal :-

No canal shall be closed for the execution of any repairs, alterations

or additions thereto except in case of emergency without the previous sanction of the Superintending Engineer, or of the Executive Engineer duly empowered in this behalf by the Superintending Engineer. The Superintending Engineer, or the Executive Engineer duly empowered shall fix the period or periods for which the supply of water may be stopped on account of the execution of such repairs etc. Every intended closure of a canal shall as far as may be practicable, be notified at least 8 days in advance. In case of emergency the Canal Officer of the highest rank on the spot may close a canal and fix the said period or periods and shall report the matter to the Superintending Engineer.

40. Passing of persons, animals or vehicles in or across canals :-

(1) No person shall pass, or cause any animal or vehicle to pass in or across the bank or channel of any canal at any place except where indicated by a notice erected under the order of the Executive Engineer in a conspicuous place.

(2) In fixing places at which the passing in or across the bank or channel of a canal is permitted under sub-rule (1), the Executive Engineer, shall have careful regard to the reasonable convenience of the people residing or holding land in the vicinity who are required to cross the canal or water their animals.

41. Maintenance of water courses :-

For the purpose of sub-section (b) of section 21 "maintenance" of a water-course shall include the construction of-

(a) such masonry or other work as in the opinion of the Executive Engineer is necessary to prevent waste of water or damage to the channel, or

(b) a pipe outlet in masonry or any other type of outlet arrangement approved by the Superintending Engineer for connecting the water course to the field channel.

42. Maintenance of Record of rights and Register of Mutations :-

Copies of the Record of Rights and Register of Mutations shall be maintained at each Sectional Office or other convenient centre.

42A. Repeals and savings :-

(1) On the commencement of these rules in the Saurashtra area of

the Gujarat State, the Saurashtra Canal Rules. 1952 shall stand repealed.

(2) Notwithstanding the said repeal anything done or any action taken under any of the provisions of the rules so repealed shall, in so far as it is not inconsistent with the provisions of these rules, be deemed to have been done or taken under the corresponding provisions of these rules.

PART 9

Miscellaneous