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separate compilation.

JAMMU AND KASHMIR STATE WATER RESOURCES
REGULATORY AUTHORITY

PART III
Laws, Regulations and Rules passed thereunder.

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JAMMU AND KASHMIR STATE WATER RESOURCES
REGULATORY AUTHORITY

Notification No. 17/JKSWRRA/2018, Jammu

Dated 12th November, 2018.

In exercise of the powers conferred under Sections 4 (zj), 56, 57, and 198 (2) (1) of the Jammu and Kashmir Water Resources (Regulation and Management) Act, 2010 (Act No. XXI of 2010), Rule 22, of Jammu and Kashmir State Water Resources (Regulation and Management) Rules, 2011 and all powers enabling it in that behalf and in amplification of

2 The J&K Govt, Gazette, 12th Nov., 2018/21st Kart., 1940. [No. 32-7
the clause 3.1 (b) of the Regulation No.16 dated 12-06-2014 of the Authority,
the State Water Resources Regulatory Authority hereby makes the following
Regulations, namely :]

CHAPTER-I

General

1. *Short Title and Commencement.*(i) These Regulations may be called the State Water Resources Regulatory Authority (Manner and Guidelines to Ensure Smooth, Uninterrupted and Leakage free Supply of Water to Farmers) Regulations, 2018.

(ii) These Regulations shall come into force from the date of their publication in the Government Gazette.

(iii) These Regulations shall extend to the whole of the Jammu and Kashmir State and will serve as guidelines for proper regulation of supply of water for irrigation for the State controlled canals in the State of Jammu and Kashmir.

CHAPTER-II

Definitions

2. *Definitions.*(i) In these Regulations unless the context otherwise requires, (i)

- (a) :-Act means the Jammu and Kashmir Water Resources (Regulation and Management) Act, 2010 (Act No. XXI of 2010) ;
- (b) :-Assistant Executive Engineer means an Assistant Executive Engineer Incharge of the concerned sub-division of the Irrigation and Flood Control Department ;
- (c) :-Authority means the State Water Resources Regulatory Authority established under the Act ;

- (d) :-Chairpersonømeans the Chairperson of the Authority ;
- (e) :-Executive Engineerø means Executive Engineer of the concerned wing of Irrigation and Flood Control Department ;
- (f) :-Governmentø means the Government of Jammu and Kashmir ;
- (g) :-Memberømeans a Member of the Authority ;
- (h) :-Officerømeans an Officer of the Authority ;
- (i) :-Prescribed Authorityø means the Chief Engineer Incharge Irrigation and Flood Control and will include Chief Engineer RTIC as well as District Superintending Engineers of Leh and Kargil Districts ;
- (j) :-Rulesø mean the Jammu and Kashmir Water Resources (Regulation and Management) Rules, 2011 ;
- (k) :-Secretaryø means the Secretary of the Authority ;
- (l) :-Water Users Committeeø means a group of water users, organized for water management and who pool their technical/human resources for operation and maintenance of a water system. All Sarpanches of the villages through which the canal runs or Lamberdars of these villages in absence of elected Panchayats, should be ex-officio members of the committee ;
- (ii) Words or expressions occurring in these Regulations and not defined herein but defined in the Act or Rules or in the State Water Resources Regulatory Authority (Conduct of Business) Regulations, 2013 shall bear the same meaning as in the Act or Rules or in the State Water Resources Regulatory Authority (Conduct of Business) Regulations, 2013 ;

CHAPTER-III

Guidelines for Proper Regulation for Supply of Water for Irrigation from State Controlled Canals

3. The following guidelines need to be essentially followed by irrigation engineers to ensure smooth, uninterrupted, leakage free supply to farmers so that optimum yield results are achieved :⁶⁶

- (i) The Assistant Executive Engineer concerned should devise, for each canal, a System Operation Plan based on
 - (a) The study of maps available as well as old record to devise cropping pattern to be adopted for individual canals in Kharif and Rabi seasons.
 - (b) Inputs from farmers.
 - (c) Water availability scenario based on meteorology reports.
 - (d) Fresh hydraulic survey and mapping.
 - (e) Consultation with sister departments like Agriculture, Revenue, Horticulture etc.
- (ii) System Operation Plan for planning of operation methods and for running of canal system continuously for the prescribed base period shall be a pre-requisite before the start of each season.
- (iii) Each System Operation Plan shall be approved by Superintending Engineer concerned.
- (iv) A Water Committee for each major and medium canal should be formed/proposed by the Executive Engineer, to be approved by the Deputy Commissioner of the District concerned. In

case of minor canals, Assistant Executive Engineer concerned will propose the composition of the Committee to be approved by the Additional Deputy Commissioner/Sub-Divisional Magistrate/Assistant Commissioner (Revenue) to be specifically authorized in this regard by the Deputy Commissioner concerned of the District. The Water Users Committee shall essentially have representative members from the beneficiaries and concerned Departments of the State Government. The life of such Committees will be two years. The exercise for constitution of these Committees will be conducted every two years. The concerned Superintending Engineer will kick-start the process of constitution of the Committees in consultation with the Deputy Commissioner concerned, at least three months before expiry of the term of such Committees.

- (v) Water Users Committees should meet twice a year i. e. prior to Rabi and Kharif season, at least 30 days prior to the start of officially notified Rabi/Kharif season as per the Revenue Department's relevant notification as applicable. Complete programme of running of main canals, distributaries and minors shall be settled in consultation with experts from the Agriculture Department and State Agriculture University. A representative of the Deputy Commissioner of the District concerned must be co-opted while finalizing cropping patterns and/or determining the number of waterings possible from the available water.
- (vi) Till the new sarpanches are elected, Lamberdars of the villages concerned shall be ex-officio member of these Water Users Committees. Discussions with farmers shall be organized in groups or through Water Committees in presence of representatives of the concerned Agriculture, Revenue and Horticulture Departments and representatives of Rural

Development Department and Command Area Development Department and State Agriculture University by the concerned Executive Engineer. The need for having contingent plans in case of shortage of water due to drought conditions is to be emphasized, wherever required. Depending upon the availability of water and local climatic conditions, well in advance of the start of each sowing season, farmers shall be apprised of maintenance of micro-network, preparing fields, adopting improved irrigation methods for water saving/conservation.

- (vii) Holding of meetings with farmers of the area and deciding the duration and quantum of water supply is one of the important steps for preparing a System Operation Plan. The beneficiaries should know the cropping practices comprehensively. Their active involvement in the preparation of the Plan is, therefore, essential.
- (viii) 30 days before the start of each season (Rabi/Kharif), the canal system should be inspected by the Assistant Executive Engineer by a Reconnaissance survey and maintenance needs for each structure (such as intakes, siphons, aqueducts, mogas and canal crossing etc.) should be listed, well documented and properly maintained in a register, which will be open to inspection by the concerned Chief Engineer, Superintending Engineer and Executive Engineer. This Reconnaissance survey requires walking by field functionaries such as Assistant Executive Engineer and below along each irrigation channel and taking note of each and every Operation and Maintenance need, as driving through may depict or capture only the major problems.
- (ix) Reconnaissance on foot would render it possible to minutely observe all maintenance and operation problems which can

be readily corrected at lower costs before they become expensive major problems and may also then take more time for rectification.

- (x) In order to minimize the canal closure period, the tendering process for desilting/operation and maintenance may be considered to be done as per the previous year's experience. This exercise should be done in consultation with the Deputy Commissioner concerned.
- (xi) Running the main canal and the system continuously for the prescribed base period of the crop is preferred. Closing the entire system for 7 to 14 days and again running it till the supply in the canal lasts or crop matures ; whichever is earlier, may be necessary for yearly maintenance.
- (xii) Commencement and closing dates of Rotational Program of canal system for different crops shall be in accordance with the crop calendars based on climatic conditions of individual Irrigation System and decided in consultation with Water Users Committees as well as concerned Departments with the knowledge of the territorial Tehsildar(s) concerned.
- (xiii) Adequate and timely maintenance of an irrigation system is vital for proper irrigation water management. This management can be effectively possible only when the infrastructure for water conveyance exists in a fairly good condition. For increasing productivity, evaluation of maintenance deficiencies and their timely rectification coupled with improved operational practices providing more reliable and predictable water deliveries are most essential. There is a need to conduct engineering survey of the system for determining the maintenance needs conducive to implementation of the principle of tail to head irrigation.

- (xiv) Each crop has its own sowing and harvesting calendar and it is important to have a knowledge of this which may help to decide the total water demand in a field having mixed crops. Generally, in Jammu and Kashmir State we have two main cropping seasons viz. Kharif and Rabi.
- (xv) As there is limited time left for maintenance or desilting of the main canals network, the closing of canals which is generally between January and April, every year. It obviously affects the production during the Rabi season, and therefore should be restricted to a maximum of 3 (three) weeks.
- (xvi) In case of major/medium canals, the closure of canals and reopening thereof after maintenance should be known to the beneficiaries sufficiently in advance through Water Users Committees, print, electronic and social media, as well as through traditional methods like beating of drums and pasting of informative handbills in local language at important locations such as Panchayat Ghars, State Government offices, etc.

CHAPTER-IV

Offences and Penalties

4. (a) *Offences*.—Any action by stakeholders (users) which may be in violation of any provision under Sections 4 (zj), 56 and 57 of the Act shall be deemed to be an offence punishable under Section 156 of the Act.

(b) *Penalties*.—The offenders shall be punishable under the relevant Sections of the Act and Rules and penalties applied as per the provisions of the Act/Rules.

CHAPTER-V

Power to Amend, etc.

5. (a) The Authority may, at any time, add, vary, alter, modify or amend any provision of these Regulations.

- (b) Nothing in the Regulations shall be deemed to limit or otherwise affect the inherent powers of the Authority to make such orders as may be necessary to meet the ends of justice or to prevent abuses of the process of the Authority.
- (c) Nothing in these Regulations shall bar the Authority from adopting in conformity with the provisions of the Act a procedure, which is at variance with any of the provisions of these Regulations, if the Authority, in view of the special circumstances of a matter or class of matters and for reasons to be recorded in writing deems it necessary or expedient for dealing with such a matter or class of matters.
- (d) Nothing in these Regulations shall, expressly or impliedly, bar the Authority dealing with any matter or exercising any power under the Jammu and Kashmir Water Resources (Regulation and Management) Act, 2010, for which no regulations have been framed, and the Authority may deal with such matters, powers and functions in a manner it thinks fit.

By order of the Authority

(Sd.)

Secretary.