

# Certificate Course on Participatory Irrigation Management (CCPIM)

## Module 10- Control of water crimes by Water User Associations (WUAs)

### Topic 10.2- Investigation of water crimes and award of punishment

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Investigation of  
water crimes and  
award of  
punishment

#### Topics of module 10

- 10.1 Water Crime and its definition
- 10.2 Investigation of water crimes and award of punishment
- 10.3 Remission of canal crimes appeals and curbing unauthorized uses.
- 10.4 Social measures to reduce water crime and dispute resolution.

## 1 Investigating the water crimes

### 1.1 Investigating Agency

There is lack of uniformity in acts of various states in India. Acts of most of the states are either silent on the issue or government officers are appointed as investigating agency. To make the WUAs responsible it would be proper to involve them in investigations. Also being the local they may better know about the culprit. For example, in UP following process for investigating the offence is in place. As a general principle next higher WUA is the investigating agency for immediate lower WUA

and where the WUA does not exist, the canal officer of that WUA will bear that responsibility. For example

- i. For the offence occurred at outlet level the responsibility of investigating agency shall rest with management committee at minor level.
- ii. Offence occurred on minor or more than one outlet of minor command the investigating agency will be management committee of distributary committee.
- iii. For offences occurred on distributary or on command of more than one minor, the management committee of branch canal shall be the investigating agency.
- iv. If the committee is non-existent at any level the concerned canal officer shall work as investigating agency.

## **1.2 Start of Investigation**

- i. The investigating agency will start the investigating process as soon as it receives the information regarding offence.
- ii. Police officers / Government officials/ WUA members and WUA management committee members are duty bound to intimate/ inform immediately the competent investigating agency or concerned canal officer as soon as they get intimation about offence occurred or likely to be occurred in their command concerned and to co-operate in investigations.
- iii. The field staff of irrigation department / water resources department like seenchpal. Seench pryvekshak , jiledar and junior engineers shall be responsible to inform the concerned investigating agency about the offence occurred or likely to be occurred as soon as it comes in their knowledge and assist & co-operate in the investigating process.
- iv. Jiledar & competent investigating agency shall maintain a register of canal offences.

### **1.3 Investigating Process of Canal Offences.**

Following process may be adopted.

- i. The investigating agency may form a sub-committee to investigate the offence and ask it to investigate the matter & submit a report with proofs to the management committee in a stipulated time.
- ii. The sub-committee shall start investigations immediately intimating the concerned field staff and start to collect the proofs visiting the site of incidence.
- iii. For transparent investigation, the sub-committee shall issue notices to the accused & the evidence to record their statements.
- iv. It will be the duty of canal field staff to coordinate with agency to get the investigations completed and prepare the report.
- v. The investigating sub-committee will submit a report to president of competent investigating agency with proofs & documents.
- vi. The president with consent of management committee members shall take a final decision about the offence and submit the matter to concerned field staff for court case.
- vii. It will be the duty of concerned field staff to file a suit basing upon the report of investigating agency in the competent canal court and appoint a person to follow the matter. Any lapse in report shall be get corrected by the field staff for finalisation of suit.
- viii. The concerned magistrate will decide the case in the light of the prevailing PIM act & rules made there in.

## **2 Penalty for Canal Offences**

Being proved the offence the accused may be penalised as follows,

- i. Imprisonment for the period mentioned in the PIM Act or
- ii. Penalty up to the limit of cost to be incurred in repair of damage with a minimum of penalty provided in the Act. Or
- iii. Both

- iv. If any person repeats his /her offence will be penalised minimum double amount up to the limit of cost to be incurred in repair of damage.

In different states of India penal amount varies and period of imprisonment varies from nil in Gujarat and maximum 2 years in many states. Penal amount varies from Rs 500/= in some states and Rs 2000/= in other states. In one or two provinces like Maharashtra it is 10 times the irrigation charges per hectare of land.

Test yourself:

Who will investigate the canal offence occurred at minor command?

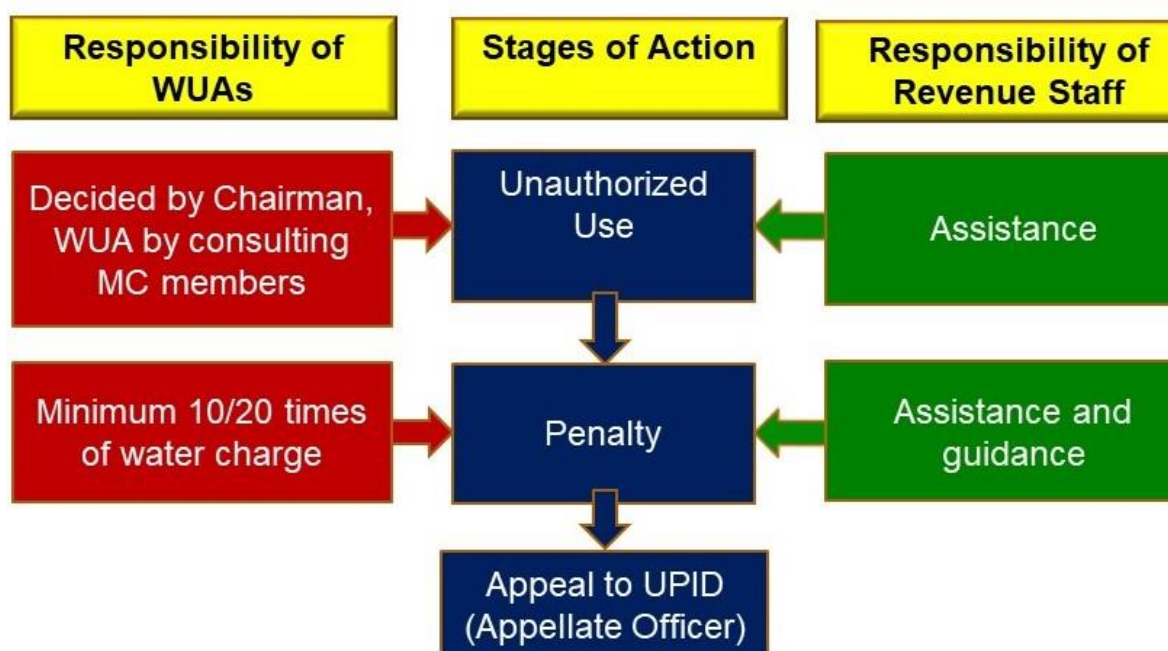
Compare your answer with provision of Para 10.3 (1).

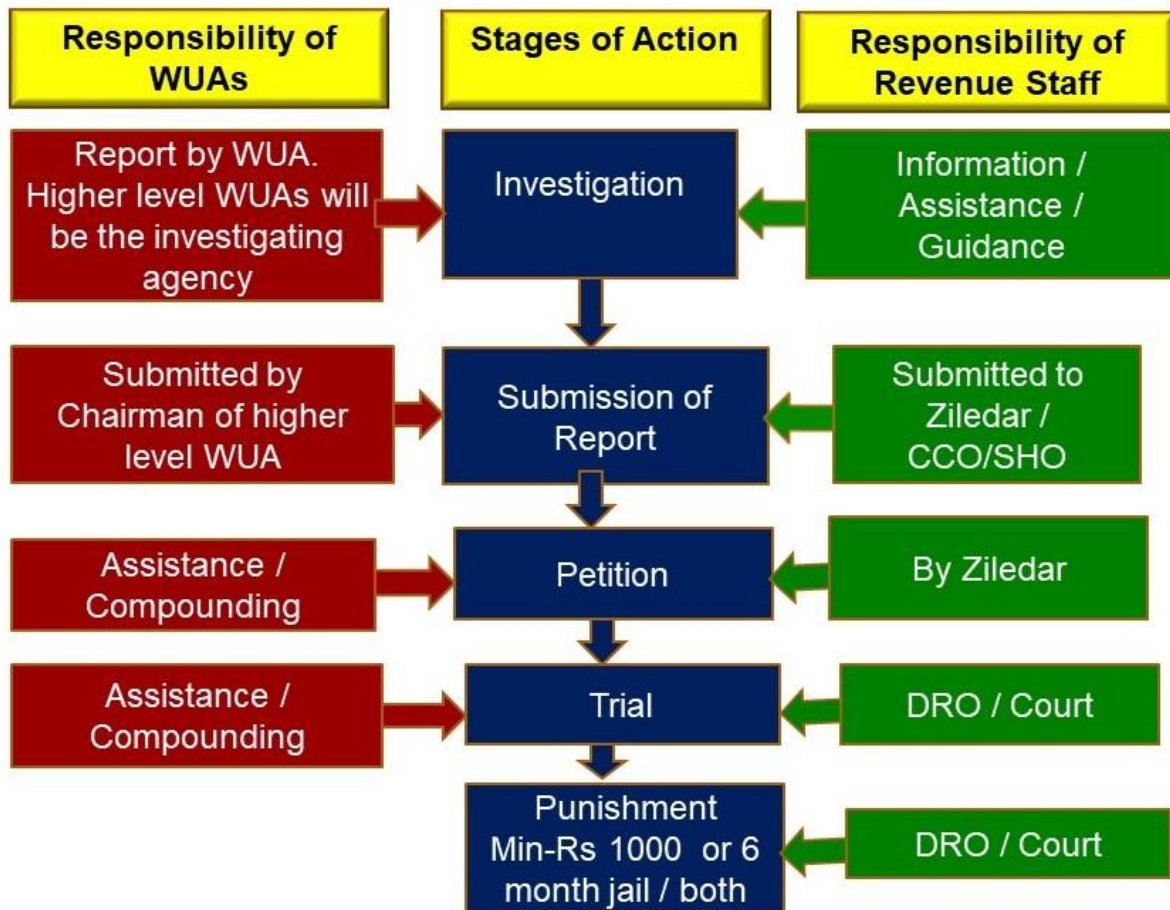
#### Example:

For example, the summary of the procedure laid down in Uttar Pradesh for investigation of (1) unauthorized use of canal water and (2) canal offences/ water crimes are given in the charts below.

The responsibilities of the managing committee of the WUA and the department are explained in this process.

## Unauthorized use of canal water





## Canal Offences