

# Certificate Course on Participatory Irrigation Management (CCPIM)

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

### Topic -10.3 Remission of canal crimes, appeals and curbing unauthorized uses

#### Topic -10.3

Remission of crimes, appeals and curbing unauthorized uses

#### 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. Remission / Compounding of canal offences

Canal offences may be compounded by WUAs as prescribed in the Act: -

- (1) After investigation of canal offence any person /society / company found guilty competent investigating agency on the request of guilty person may compound the offence after taking prescribed penalty up to the maximum. In the Acts of most of the states the compounding fee should not be less than the minimum penalty prescribed in their Act and this compounding can only be limited for twice the offence, thereafter no compounding can be made.

- (2) The compounding can be made before the decision of the court.
- (3) The investigating agency, after receiving penal amount, can compound the offence even after filing the case but before its decision only.
- (4) The compounding fee shall be deposited in the account of WUA in whose jurisdiction the offence was occurred.

## **2. Appeal against the decision:**

Any person / society/ company aggrieved of the decision of special judicial magistrate may appeal against the decision in the prescribed time frame to the next higher court.

Test yourself:

Who can compound the offence and till when the offence may be compounded?

Compare your answer with the provision of para 10.4

## **3. Penalty on unauthorised water use and water wastage:**

The following ways of taking water from canal may be put in the category of unauthorised use of canal water, some of them are also mentioned in offences. For unauthorised water use & wastage of water the penalty may be imposed as provided in para 10.7 below for first one or two chances & there after suit may be filed.

**The definition of unauthorised water uses and penalty there upon may differ from state to state, here the general information is being provided. For exact information please refer the Act of concerned state.**

- i. Irrigating the fields by cutting of canal.
- ii. Irrigation through unauthorised outlet or enhancing vent of outlet
- iii. Sucking water from canal using power pumps in areas where gravity flow is possible.
- iv. Raising the water level above F S L in canal by placing bund across the canal
- v. Irrigating fields out of command.
- vi. Irrigation violating provisions of warbandi / osrabandi.

- vii. Irrigation by raising or breaking control structures at the head of canal / outlet.
- viii. Irrigation, violating the rules framed by 67% majority of WUA body

### 3.1 Identification of unauthorised water user / users

The unauthorised water users might be followings: -

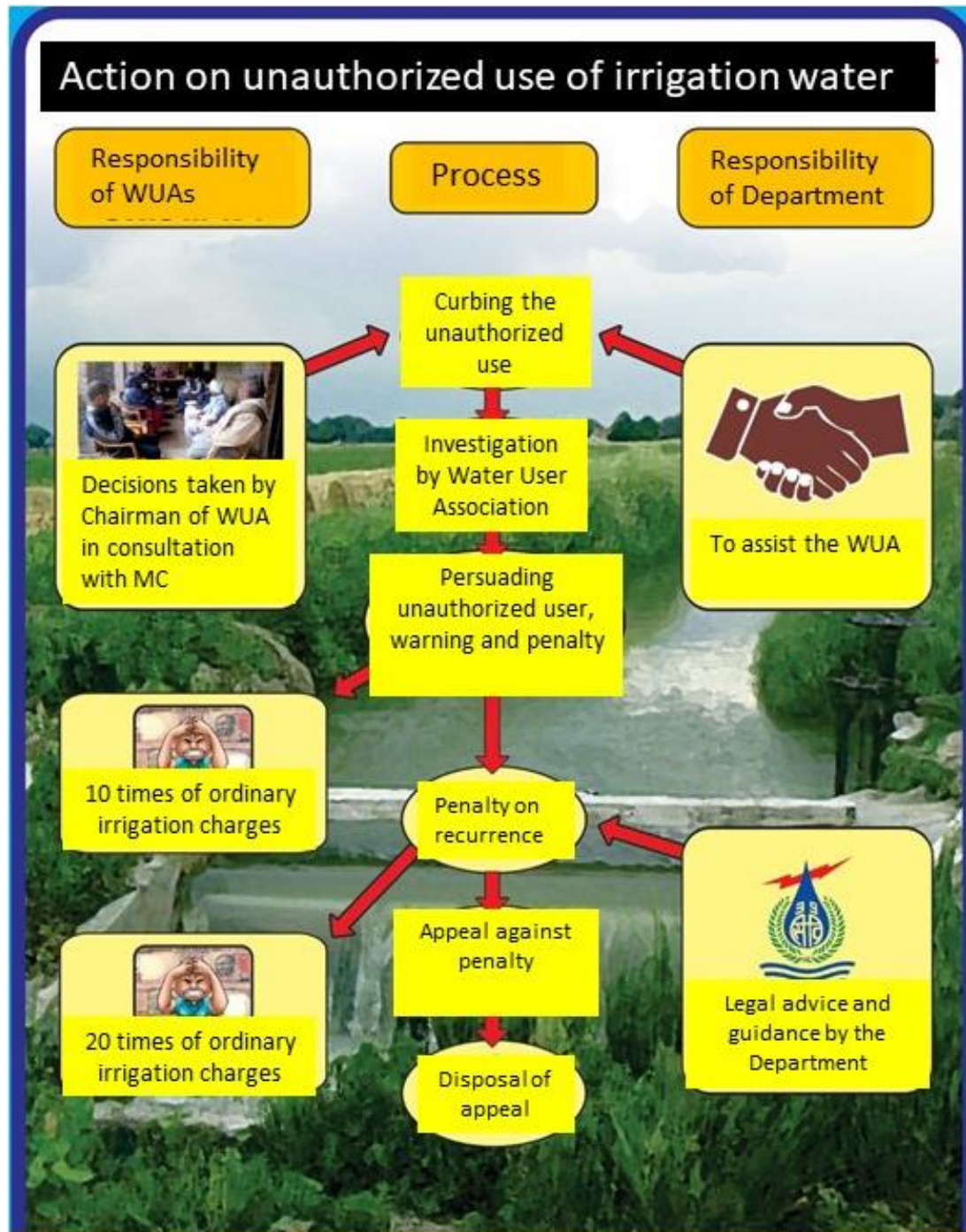
- i. Identified farmer / person who irrigates in unauthorised way
- ii. If the unauthorised user is not identified, then all those whose lands used the water reached in an unauthorised manner if such lands are benefitted, if not benefitted and had informed the concerned officer or WUA in time, such farmers may be exempted from penalty.

### 3.2 Penalty on unauthorised use and wastage of water

- i. For first time on unauthorised use or wastage of water 10 times the water rates or the rates as provided in rules.
- ii. The person using unauthorised way of irrigation may be penalised by the president of WUA after due consultation with colleagues of management committee and raise a penalty bill.
- iii. If the water is wasted through a canal or a water course the investigations shall be carried out by management committee and decision shall be taken.
- iv. The person penalised may appeal to appellate authority whose decision shall be binding.
- v. The appeal of such penalty imposed by president of any WUA at any level may be made to appellate officer of concerned WUA whose decision shall be binding.
- vi. A register of recoveries of such penalties shall be kept.

The process adopted in disposing of such activities in UP is given below depicting the duties of WUAs and WRD

Figure -1: Action upon unauthorised use of water



Test yourself:

If an unauthorised irrigator is not identified, then whether all those in whose fields water is reached will be penalised? Who may be exempted? Compare your answers with the para 10.3.2(ii).