

The Goa Command Area Development Act, 1997

Section 22 - Liability for unlawful use of water or when water runs to waste.—

1) If water supplied from an irrigation system is put to unauthorised or unlawful use, the person by whose act or negligence such use has occurred, or if such a person cannot be identified, the person or all the persons or through whose land water has flowed and the land is benefitted therefrom, or the person or all the persons chargeable in respect of the water supplied from such irrigation system, or the Water Distribution Co-operative Society under whose jurisdiction such unauthorised or unlawful use of water has occurred, shall be liable, severally or jointly, as the case may be, for the imposition of such charge as may be levied by the Canal Officer or any other authority thereof or under the relevant law for the time being in force. Explanation: For the purpose of this section, the use of water for irrigating an area in the following manner shall constitute, unauthorised or unlawful use, namely: (i) When an area is not localised under an irrigation system; (ii) When an area which is localised as irrigated dry, is irrigated as wet; (iii) When an area localised for a single crop is irrigated for a double crop; (iv) When an area which is localised for one particular season is irrigated in the season for which it is not so localised; (v) When an area is irrigated unauthorisedly by breaching or cross bunding an irrigation system; (vi) When an area is irrigated by pumping water without prior permission of the Canal Officer; (vii) When an area is irrigated with a crop in contravention of cropping pattern specified under section 27 of this Act; (viii) When an area is irrigated otherwise than in accordance with the schedule of water allocation prepared by the prescribed authority indicating the day, time and duration of supply for which any person is entitled to receive water. (2) Where water supplied through a field channel is allowed by any person to run to waste, the person by whose act or negligence such water was allowed to run to waste, or if, after inquiry such person cannot be found, the person or all the persons chargeable or the Water Distribution Co-operative Society in respect of the water supplied from such irrigation system; shall be liable, severally or jointly, as the case may be, for the imposition of a charge which shall be made in the prescribed manner in respect of the water so wasted. (3) The levy of charges for unauthorised or unlawful use of or wastage of water shall not be a bar for launching prosecution for any offence connected with such use or waste. (4) All charges for the unauthorised or unlawful use or for waste of water may be recovered as water rates, in addition to any penalties imposed on account of such use or waste of water. (5) Any question arising under this section shall be decided by the Canal Officer and any person aggrieved by the order of the Canal Officer may prefer an appeal to the Superintending Engineer, Command Area Development Board, within fifteen days from the date of making of the order and the decision of the Superintending Engineer, C.A.D. Board, shall be binding on both the parties.