

The Bihar Irrigation Act

Section 2 - Definitions

1997.

(2) It extends to the whole of the State of Bihar.

(3) It shall come into force at once. In this Act unless there is anything repugnant in the subject or context-

(a) "Assured irrigable Command" means an area declared to be an assured irrigable command area under section 50;

(b) "Beneficiary" means-

i. In relation to any irrigation channel, a person whose land is irrigated or is capable of being irrigated by any irrigation work of the State Government;

ii. In relation to any flood embankment work, a person whose land is protected or is likely to be protected by such embankment;

iii. In relation to any drainage work a person whose land is benefited or is likely to be benefited from such drainage work;

(c) "Betterment Contribution" means contribution levied under chapter XII of this Act;

(d) "Betterment levy officer" means such officer as the State Government may appoint to be the betterment levy officer in respect of any area of an irrigation work, or portion of an irrigation work:

(e) "Block" means an area defined as such under section 2 of the Bihar Panchayat Raj Act, 1993 (Bihar Act 19 of 1993);

(f) "Block Development Officer" means an officer appointed as such under section 2 of the Bihar Panchayat Raj Act, 1993 (Bihar Act 19 of 1993);

(g) "Canal Revenue" means and includes water rate, betterment contribution, water cess, license fee for fishing and navigation, sale of grass, trees and other produce from the land belonging to irrigation

work, proceeds from lease of land belonging to irrigation work, and from water mills;

(h) "Collector" means the head revenue officer of a district and includes a deputy Commissioner or other officer appointed by the State Government to exercise all or any of the powers of a Collector;

(i) "Culturable commanded area" means all lands which are fit for cultivation under irrigable command of an irrigation work;

(j) "Canal" means and includes-

(i) "Main Canal". which takes off from an irrigation work and normally does not irrigate the fields directly;

(ii) "Branch Canal" which branches off from main canal and feeds the distributaries, like main canal the branch canal may not irrigate the field directly;

(iii) "Distributary /Sub-distributary" which takes off directly from

main canal or branch canals or a larger distributary to distribute water to minors and water courses;

(iv) "Minor" Which takes off from a distributary or sub-distributary to distribute water to other minor water courses and / or field channels, capacities of the minors may be different in different projects/schemes;

(v) "Water course" which takes off from a distributary or a minor to distribute water to the field channels. Its capacity may be different in different projects /schemes;

(vi) "Outlet" which is an opening constructed in an irrigation work through which water is delivered to a field channel or directly to the fields;

(k) "Drainage work" means and includes-

(i) Channels either natural or artificial for the discharge of waste or surplus water and all works connected with or auxiliary to such channel ;

(ii) Escape channel from an irrigation work, dams, weirs, embankments, flood embankments, sluices, groynes and other works connected therewith, but does not include works for the removal of sewage;

(iii) Any work in connection with a system of reclamation made or improved by State Government for the purpose of drainage of an area;.

(iv) all field drains, i.e., drains, except channels and other similar works constructed and maintained by the owners or occupiers or by the State Govt. on behalf and at the cost of the owners or occupiers.

(l) "Embankment" means and includes

(i) every bank, dam, wall and dyke made or used for excluding water from or for retaining water upon any land; every sluice, spur, groyne, training wall or other work annexed to, or portion of any such embankment; every bank, dam, dyke, wall groyne or spur made or erected for the protection of any such embankment or of any land from erosion or over flow by or of river, tides, waves or waters; and also all buildings and roads, intended for purpose of inspection and supervision and

(ii) Public Embankment maintained by the State Government .

(m) (i) "Engineer" means an engineer in-charge of irrigation works in the area or any engineer specially appointed by the State Government to perform the function of an engineer under this Act;

(ii) "Chief Engineer" means the Chief Engineer of the Water Resources Department of the State Government , and includes any person appointed by the State Government , by notification to be Chief Engineer for the purposes of this Act either generally or in respect of any proposed work or sanctioned work specified in such notification who shall be responsible and answerable for the proper and efficient working of the branch of irrigation works under him and work as professional advisor to Government in all matters relating to his branch.

(iii) "Superintending Engineer" means an officer appointed by the State Government to be Superintending Engineer in charge of a Circle, an administrative unit of Water Resources Department who shall be responsible to the Chief Engineer for the administration and general professional control of irrigation works and officers of the department within his circle and includes any person appointed by the State Government, by notification to be Superintending Engineer for the purposes of this Act either generally or in respect of any proposed work or sanctioned work specified in such notification.

(iv) "Executive Engineer" means an officer appointed by the State Government to be Executive Engineer in charge of a division, an executive unit of Water Resources Department who shall be responsible to Superintending Engineer for execution and management of all works in his division and includes any person appointed by the State Government by notification to be Executive Engineer for the purpose of this Act either generally or in respect of any proposed or sanctioned work specified in such notification.

(v) "Divisional Canal Officer" means an Executive Engineer exercising control over a Division of an irrigation work, or a portion of an irrigation work and includes any person appointed by the State Government by notification to be Divisional Canal Officer for the purpose of this Act either generally or in respect of any proposed work or sanctioned work specified in such notification.

(vi) "Canal Officer" means an officer exercising control over a sub-division of an irrigation work or portion of an irrigation work and includes an officer to whom any of the function of a Canal Officer under this Act have been assigned by the State Government

(n) "Improved Land " means the land fit for cultivation before the execution of any works under this Act but of which the productive powers have been increased by such works.

(o) "Irrigation Work" means and includes-

(i) All reservoirs, tanks, dams, barrages, weirs, canals, channels, domestic water supply works, pipes, ponds, springs-ponds, spring channels, aqueducts, sluices, lift irrigation through pumping installations, constructed, maintained or controlled by the State Government for the supply or storage of water;

(ii) All works, embankments, structures, control structures including outlets, supply and escape channels, connected with such reservoirs, tanks, dams, barrages, weirs, canals, channels, domestic water supply works, pipes, ponds, spring ponds, spring channels, aqueducts, sluices, pumping installations and roads constructed for facilitating the construction or maintenance and operation of such works;

(iii) All drainage works, flood embankments, wells and village channels;

(iv) Any part of a river, stream, lake or natural collection of water or natural drainage and ground water to which the State

Government has applied the provisions of this Act, and

(v) All lands held by the State Government for the purpose of such reservoirs, tanks, dams, barrages, weirs, canals, channels, domestic water supply works, pipes, ponds, spring ponds, spring channels, aqueducts, sluices, pumping installations and all buildings, machinery, fences, gates and other erections upon such lands;

(p) "Land" means and includes interest in land, benefit arising out of land and things attached to the earth or permanently fastened to anything attached to the earth;

(q) "Lands under Irrigable Command" means such lands as are irrigated or capable of being irrigated by flow or lift from an irrigation work being under its command and shall include also such cultivated land which received in the opinion of the Executive Engineer, by seepage or otherwise from an irrigation work or by indirect flow, percolation or drainage from or through adjoining land, an advantage beneficial to the crop;

(r) "Lift Irrigation" means irrigation by lifting water by means of a pump operated otherwise than by human or animal power

(s) "Line of Navigation" means canal navigation;.

(t) "Notification" means a notification published in the Official Gazette;

(u) "Occupier" means and includes an occupier of land who cultivates or possesses the same for the time being;

(v) "On -Farm Development" means and includes any of the following works:-

(i) Land-levelling and land shaping including realignment of field boundaries;

(ii) Providing of falls, culverts, other necessary structures and farm roads in the fields;

(iii) Land reclamation by use of engineering, biological and chemical measures, including leaching;

(iv) Contour bunding and nala bunding;

(v) Such other works as may be necessary or incidental to development of land or ground or flow water potential and for optimising the utilisation of land and water resources;

(w) "Owner" means and includes every person having interest in the ownership of land or property and the rights and obligations attached to an owner under the provisions of this Act shall attach, jointly and severally to every person having such joint interest in the ownership;

(x) "Prescribed" means prescribed by rules made under this Act;

(y) "Probable Irrigable Command Area" means an area declared to be a probable irrigable command area under this Act;

(z) "Reclaimed Land" means land which was unfit for cultivation before the execution of any work under this Act, but which has been rendered productive by such work;

(aa) "Vessel" includes any ship, barge, boat, raft, timber, bamboos, or floating materials propelled in any manner;

(ab) (i) "Village Channel" means a channel or a field channel by which water is led from canal into fields to be irrigated and includes all subsidiary works connected with any such channels except the head sluice through which water is supplied from a canal to

such channel, constructed by owners or occupiers or

beneficiaries or State Government on their behalf and at their cost and maintained by such owners or occupiers or beneficiaries or by the State Government at their cost and on their behalf; Government distributaries, sub-distributaries, minors and water courses will also be treated as village channels if these are turned over to the beneficiaries or their representatives or Water Users Associations formed by the beneficiaries to be maintained and operated by them at their cost, either fully or with part Government grants and will be governed by provisions of Chapter X of this Act;

(ii) "Field Channel" is a channel constructed from an outlet to or into the irrigation chuk and includes all subsidiary works except the outlet through which water is supplied from an irrigation work;

(iii) "Farm channel" is a temporary or permanent channel constructed by the farmers in their fields for taking water from field channels for irrigation;

(ac) "Water Users' Association" means the Water Users' Association formed by the beneficiaries of a canals or part there of for maintenance and operation of canal and utilisation of canal water and registered under the societies registration; Act 1860 (Act 21, 1860);

(ad) "Well" means a well sunk for search or extraction of ground water and includes an open well, dug well, bored well, dug cum bored well, tubewell and filter point.