

The Bihar Irrigation Act

Section 12 - Notification when water to be supplied for public purposes

1) Whenever it appears expedient to the State Government that the water of any river (including its tributaries) or stream flowing in a natural channel or of any lake or any other natural collection of still water or ground water or water flowing in a channel where such water or part thereof, is received from any irrigation work constructed by the State Government, whether by percolation, regeneration, release, or otherwise should be applied or used by the State Government for the purpose of any existing or projected irrigation work, or for the regulation, supply or storage of water, the State Government may by notification declare that the said water will be so applied or used after a day to be named in the said notification, not being earlier than three months from the date thereof.

(2) As soon as practicable after the issue of a notification under sub-section (1), the Divisional Canal Officer or any officer duly empowered under this Act shall cause public notice to be given at convenient places, stating that the State Government intends to apply or use the water referred to in that sub-section.

(3) The application or use of the said water or the application or use of water of any irrigation work under the management or control of the State Government shall be regulated according to the provisions of this Act.

(4) Where the State Government is of the opinion that in the interest of proper irrigation from any irrigation work constructed or proposed to be constructed it is necessary to control the construction of wells for any purpose other than exclusively domestic use, either on personal or community basis, in any area or areas the State Government may by notification specify such area or areas, and there upon no person shall within such area or areas construct any such well except with previous sanction of the State Government or other authority authorised by the State Government in this behalf, and subject to such conditions as the State Government or such authority may impose.

(5) Where the State Government is of the opinion that in the interest of proper irrigation from any irrigation work constructed or proposed to be constructed it is necessary to regulate the operation of the existing wells for any purpose other than exclusively domestic use, either on personal or community basis, in any area or areas, the State Government may by notification specify such area or areas and impose such conditions as it may deem fit with regard to extraction of water therefrom. There upon no person shall within such area or areas extract water from such well except according to conditions which the State Government may impose.

(6) When the State Government is of the opinion that in the interest of proper irrigation, a block of land under any existing or proposed irrigation work is

to be transferred to another proposed or existing work or completely excluded from any existing work, the State Government may by notification specify such area and such works to take effect from a date specified in the notification, not being earlier than six months from the date thereof.

(7) When the State Government is of the opinion that in the interest of proper utilisation of available water resources, it is necessary to subject a block of land for temporary submersion without damage to crop, the State Government may by notification specify such areas and period of such submersion on a date specified in the notification, not being earlier than six months from the date thereof.