

Command Areas Development Act, 1980

Chapter IX - Offences and Penalties

(1) Whoever, voluntarily or without proper authority,-

(a) damages, alters, enlarges, or obstructs any irrigation system under a pipe-outlet;

(b) interferes with, increases, or diminishes the water supply in or the flow of water from, through, over or under any irrigation system under a pipe-outlet;

(c) being responsible for maintenance of the irrigation system under a pipe-outlet, neglects to take proper precautions for the prevention of wastage of the water thereof or interferes with the authorised distribution of water therefrom or uses water in an unauthorised manner or in such manner as to cause damage to the adjacent land holding;

(d) corrupts or fouls, the water of any irrigation system under a pipe-outlet so as to render it less fit for the purpose for which it is ordinarily used;

(e) destroys, defaces or removes any level marks or water-gauge or any other work or sign fixed by the Authority or a public servant;

(f) opens, shuts, or obstructs or attempts to open, shut, or obstruct any sluice or outlet or any other similar contrivance in any irrigation system under a pipe-outlet or drainage system;

(g) uses water unlawfully or unauthorisedly or agrees to or allows to grow any crop in contravention of any notification under this Act,

shall on conviction, be punished with imprisonment which may extend to two years or with fine which shall not be less than one thousand rupees, but may extend to five thousand rupees or with both:

Provided that in the case of a continuing offence, a fine not exceeding one hundred rupees per day shall also be imposed during the period of the continuance of the offence.

(2) While convicting any person under sub-section (1), the magistrate may order that the said person shall remove the obstruction or repair the damage, sluice or outlet or replace the level mark, water gauge or other work in respect of which the conviction has taken place, within a period to be specified in such order. If such person neglects or refuses to obey such order within the period so fixed, the Authority may carry out the work in accordance with such order and the cost thereof shall be recoverable from such person as arrears of land revenue.

Section 27 - Liability when person using water unauthorisedly cannot be found

(1) If water supplied through a field channel is used in any unauthorised manner, and if the person by whose act or negligence such use has occurred cannot be found after such enquiry as the Authority may deem sufficient, the Authority shall after giving not less than one months notice to the holders and occupiers of all lands benefitted thereby and after hearing their representations if any, make an order for the recovery of such charges as may be prescribed for such use from such holders and occupiers in such proportion as it may deem fit.

(2) All charges for the unauthorised use of water determined under sub-section (1), shall be recoverable as arrears of land revenue.

Section 28 - Abetment of offences

Whoever, abets any offence punishable by or under this Act attempts to commit any such offence, shall be punished with the penalty provided by or under this Act, for committing such offence.

Section 29 - Punishment under other Laws not barred

Nothing in this Act, shall prevent any person from being prosecuted and punished under any other law for the time being in force for any act or omission made punishable by or under this Act:

Provided that no person shall be prosecuted and punished for the same offence more than once.

Section 30 - Offences under this Act, to be cognizable

All offences under this Act, shall be cognizable.

Section 31 - Power to remove and take into custody person obstructing

Any officer or authority incharge of or employed on any irrigation system under a pipe-outlet may remove from the land or any building thereon or may take into custody without a warrant and forthwith hand over to a police officer in-charge of the nearest police station, any person who within his view,-

(a) wilfully damages, alters, enlarges or obstructs any irrigation system under a pipe-outlet; or

(b) without proper authority interferes with the supply or flow of water in or from any irrigation system under a pipe-outlet so as to endanger, damage or render less useful such irrigation system under a pipe-outlet:

Provided that every person so taken into custody shall be produced before the nearest magistrate within a period of twenty four hours of such custody excluding the time necessary for the journey from the place of arrest to the court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate.

Section 32 - Payment of fine as reward to informant

(1) Whenever any person is sentenced to fine under this Act the court which imposes such fine, or which confirms in appeal or revision a sentence of such fine, or a sentence of which such fine forms a part, may direct that the whole or part of such fine may be paid by way of reward to any person who gave information leading to the detection of such offence or to the conviction of the offender.

(2) If any such fine is ordered to be paid as reward by a court whose decision is subject to appeal, the amount ordered to be so paid, shall not be paid until the period prescribed for presentation of the appeal has elapsed, or if an appeal is preferred until after the disposal of the appeal.

Section 33 - Composition of offences

(1) Any officer authorised by the Authority may accept from any person who has committed or in respect of whom a reasonable belief can be inferred that he has committed an offence punishable under this Act, or the rules made thereunder, a sum of money not exceeding two hundred rupees, by way of composition for such offence.

(2) On payment of such sum of money, the said person if in custody, shall be released and no further proceedings shall be taken against him in regard to the offence so compounded.
