Orissa Irrigation Act, 1959
&
Orissa Irrigation Rules, 1961
&
Orissa Irrigation (Amendment) Rules, 2010

Presented by :-
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Administrative Officer,
Revenue Officer’s Training Institute (ROTI),
Gothapatana, Bhubaneswar.
An Act to consolidate and amend the laws relating to irrigation, assessment and levy of water rate and cess in force in different parts of the state of Orissa. 
( And to provide for the regulation of use of water from Government sources )

Orissa Act of 14 of 1959

Received the Assent of the Governor on the 12th October, 1959.
Statement of objects

- Large expenditure has been and is being incurred from the state exchequer for construction of irrigation works in the whole state of Odisha.

- A large number of minor irrigation work have already been constructed throughout the state under the intensive cultivation scheme at a great cost to the exchequer and large number of minor and medium irrigation projects are under construction and will be constructed according to the plan.

- It is necessary that payment of water rates and cess should be made obligatory on persons deriving benefits from the lands within the irrigable command of all these irrigation works whether the water is actually used for cultivation or not and that a fit return should in all cases alike be made to Govt.
The Act and Rules are divided into seven chapters. They are

- Chapter-I Preliminary
- Chapter-II Construction and maintenance of irrigation works.
- Chapter-III Construction and maintenance of water courses.
- Chapter-IV Supply of water.
- Chapter-V Levy of water rate and cess
- Chapter-VI Penalties
- Chapter-VII Miscellaneous
Chapter-I Preliminary

Section-1
The scheme of the Act indicates that the lands within the irrigable command would be liable to compulsory basic water rate which would be in the nature of tax as it would be leviable whether the water is actually utilized or not from an irrigation work, while the scheme under Chapter-IV makes provision for supply of water on payment of money and any levy under Chapter-VI is correlated to actually supply.

Section-2
Sections 2 to 56 came into force with effect from 1st June 1961 in the whole of the state of Odisha except the area where the water rates and ceses are being levied under the provisions of Bengal irrigation Acts, 1876 and the Madras irrigation cess Act, 1865.
Section-4 definitions:- In this Act, Unless there is anything repugnant in the subject or context

1. **Board of Revenue** - “Board of Revenue” means the Board of Revenue as constituted under the Orissa Board of Revenue Act, 1951 (Orissa Act 23 of 1951) as amended by the Orissa Board of Revenue (Amendment) Act, 1957 (Orissa Act 18 of 1957)

2. **Collector** - "Collector" means the Collector of a district and includes a Deputy Commissioner or other officer appointed under the act by the state Government to exercise all or any of the powers of a Collector;

3. **Commissioner** - "Commissioner" means a Revenue Divisional Commissioner as defined in the Orissa Revenue Divisional commissioners Act, 1957 (Orissa Act 19 of 1957)

4. **Compulsory basic water rate** - “Compulsory basic water rate” means a flat-rate per acre of land within the culturable commanded area of an irrigation work par abile to the state Government for supply of water, whether used or not, from an irrigation work for irrigation of staple cereal crop generally grown in such area.

5. **Culturable Commanded Area** - “Culturable Commanded Area” means all lands under irrigable command of an irrigation work are fit for cultivation.

6. **Drainage work** - Drainage work” includes channels, either natural or artificial, for the discharge of waste or surplus water and all works connected with or auxiliary to such channels and escape channels from an irrigation work, embankments sluices, groins and all works for the protection of lands from flood or from erosion formed, constructed or maintained by the State Government either wholly or in part;
6(a) "Government water source" - means any water source created naturally or otherwise by collection or deposit of water at a fixed place, any Sub-oil water or water in a state of running such as rivers, nalas, springs, stream and the like, which is other than an irrigation work and is the property of the Government);

7) Irrigation Officer – Irrigation Officer means an officer appointed under this Act to exercise control or jurisdiction over an irrigation work or any part thereof and includes an additional irrigation officer.

8) Irrigation Revenue - "Irrigation Revenue "includes all sums payable to Government for the use of or right to use of waste water from an irrigation work;

9) Irrigation work - " Irrigation work "included-
a) All reservoirs, tanks, anicuts, dams, weirs, canals, barrages, channels, pipes, wells, tube-wells and artisan wells constructed, maintained or controlled wholly or mainly by the State Government or by any Panchayat Samiti, constituted under the Orissa Panchatyat Samiti and Zilla Parishad Act, 1959 (Orissa Act 7 of 1960) on behalf of such Government for the supply of storage of water:

b) All works, embankments, structures, supply and escape channels connected with such reservoirs, tanks, anicuts, dams, weirs, canals, barrages, channels, pipes, wells, tube-wells and artisan wells and all roads constructed for the purpose of facilitating the construction or maintenance of such reservoirs, tanks, anicuts, dams, weirs, canals, barrages, channels, pipes, wells, tube-wells and artisan wells.

c) All water courses and drainage works as herein defined,

d) All lands occupied by the Government for the purpose of such reservoirs, tanks, anicuts, dams, weirs, canals, Barrages, channels, pipes, wells, tube-wells and artisan wells and all buildings, machinery, fences, gates and other structures, occupied by or belonging to the state Government upon such land.
(10) Lands under irrigable command: “lands under irrigable command” means such lands as are irrigated or capable of being irrigated by flow from and irrigation work being under its command and such cultivated lands which receive, in the opinion of the irrigation Officer or the Collector, by percolation or otherwise from and irrigation work or by indirect flow, percolation or drainage from or through adjoining land, and advantage beneficial to and sufficient for the requirements of the crop:

(10)-a) “Minor irrigation work” means an irrigation work having culturable commanded area of not more than two thousand hectares:

(11) Occupier- “Occupier” includes an occupier of land or property who cultivates or possess the same for the time being:

(12) Outlet- “Outlet” includes an opening constructed by the State Government in an irrigation work through which water is delivered into a water course of directly on to any land.
(13) **Owner**- “Owner” includes every person having interest in the ownership of land or property and all rights and obligations which attach to an owner under the provisions of this Act shall attach jointly and severally to every person having such joint interest in the ownership.

(14) **Prescribed**- “Prescribed” by rules made under this Act.

(14-a) “Rabi crap” means any crop notified as such by the State Government and different crops may be notified in respect of different areas:

(15) **Vessel**- “Vessel” includes, boats, rafts, timber and other floating bodies:

(16) **Water Cess**- “Water Cess” is the amount payable in respect of any land under the irrigable command of certain classes of irrigation works to be notified from time to time for the maintenance and repairs of such works.

(17) **Water Course**- “Water Course” means any channel or pipe not maintained at the cost of the State government which is supplied with water from an irrigation work and includes all subsidiary work connected with any such channel or piper, except the sluice or outlet through which water is supplied from an irrigation work to such channel or piper:
18) Water Rate- “Water Rate” is the amount of revenue payable to Government for the supply of water for “ (any crop, other than staple cereal crop (XXXX) whether the water is used or not.
CHAPTER-II
CONSTRUCTION AND MAINTENANCE OF IRRIGATION WORKS
SECTION -5

Power to enter and survey etc.

SECTION -8
Power to remove Obstruction
SECTION -9
State Government to provide means of crossing canals:-
CHAPTER-III
Construction and maintenance of water-Courses

SECTION -13
No alternation of water-course except with the consent of irrigation

SECTION -14
Obligation of owners of land receiving supply from water course:

SECTION -16
Settlement of disputes concerning water-courses :-

SECTION-17
Use of land acquired for water-course for other purpose :-

SECTION – 18
Construction if water-course by Government and recovery of cost incurred:-
SECTION -19
Special provision for recovery of past expenses incurred by Government:- Protected under the Odisha Tenents relief act. 1955.

CHAPTER –IV
SUPPLY OF WATER
SECTION -20(a)
Regulation and use of water from Government water source:-

SECTION-21
Water to be supplied on written application :-

SECTION – 22
Power to stop water supply:-
CHAPTER-V
LEVY OF WATER RATE AND CESS

SECTION-27
Classification of Irrigation works :

SECTION – 28
Levy of water rates and compulsory basic water rates:

SECTION -28(A)
Re-assessment of water rate after consolidation of holdings :

SECTION -30
Levy of water cess:

SECTION -31
Unauthorized use of water

SECTION -32
Liability of occupiers of lands benefiting from unauthorised :
SECTION-36
Concession to the people who have contributed to the cost execution on an irrigation works.
SECTION – 37
Exemption of water-rate and compulsory basic water – rate in full or in part:-

CHAPTER-VI

PENALTIES
SECTION -39
For damaging irrigation works etc:-
SECTION -40
For endangering stability of irrigation work , etc:-
Provisions of Indian penal code.

CHAPTER-VII
MISCELLANEOUS
SECTION-46
Appointment of officers and inspection of irrigation works:
SECTION – 47
Appeals:
SECTION -48
Power of revision:
SECTION -49
Offences under this Act to be cognizable :
SECTION -52
Jurisdiction of Civil Courts bared :
SECTION -53
Power to make rules:
SECTION -54
Revision of record –of-rights :
The Orissa Irrigation Rules -1961  
CHAPTER-IV  
Supply of water  
RULES -18  
Classification of irrigation works for water supply

<table>
<thead>
<tr>
<th>Class</th>
<th>Period of supply</th>
<th>Depth of supply in inches to be guaranteed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1&lt;sup&gt;st&lt;/sup&gt;.</td>
<td>June to November</td>
<td>28&quot;</td>
</tr>
<tr>
<td>2&lt;sup&gt;nd&lt;/sup&gt;.</td>
<td>July to November</td>
<td>23&quot;</td>
</tr>
<tr>
<td>3&lt;sup&gt;rd&lt;/sup&gt;.</td>
<td>July to October</td>
<td>18&quot;</td>
</tr>
<tr>
<td>4&lt;sup&gt;th&lt;/sup&gt;.</td>
<td>July to October</td>
<td>9&quot;</td>
</tr>
</tbody>
</table>
RULES-25
Mode of enquiry:-

RULES-26
Application for supply of water for any purpose other than irrigation:-

RULES-27
Mode of enquiry and execution of agreement :-

RULES-28
Restriction to the sanction of supply of water for purposes other than irrigation :-

RULES-29
Order in which water has to be supplied

RULES-30
Stoppage of supply of water:-

RULES-31
Power to stop water supply

RULES-32
Application for selling or sub-letting water of an irrigation work ;
RULES-36
Application for remission-(Section 25):- Application for remission under sub-Sc.(1) and (2) of S. 25 shall be made to the Collector not less then 21 days before the crop is harvested. The application shall state inter alia-
(a) The name of the main canal, distributary and the minor from which there is failure, stoppage or interruption of water supply,
(b) Point of failure stoppage or interruption of water supply,
(c) The details of the land affected
(d) Date of occurrence
(e) cause
(f) Extent failure of crop estimated and
(g) Extent of remission claimed
RULES-37
Owner or occupier to allow free passage of water over his land:-
CHAPTER-V
LEVY OF WATER RATE
RULES-38
Class of irrigation work subject to the C.B.W.R
RULES-39
C.B.W.R and water rate how to be fixed:-
RULES-40
Additional water rate:
RULES-41
Particulars of low land.
RULES-42
Concessional C.B.W.R for low land
RULES-43
Rates for lift Irrigation:-
RULES-44
Lands irrigated by exacting private sources
RULES-45
Assessment of C.B.W.R
RULES-46
Appeals in regard to finial assessment
RULES-46(A)
Revision in regard to final assessment
RULES-47
Levy of rates for unauthorized use of water
RULES-48
C.B.W.R and water rate when payable
RULES-49
Proration of liability for payment of water rate
RULES-50
Period of rebate to be granted
RULES-51
Exemption from C.B.W.R and water rate

CHAPTER VI
PENALTIES

CHAPTER VII
MISCLANIOUS
SCHEDULE
( Vide Rule 23)
Levy of ( water-rate for different class of irrigation works and special rates for supply of water for purposes other than irrigation.

**A. Kharif Water-rate**

<table>
<thead>
<tr>
<th>Class of irrigation work (1)</th>
<th>Rate per acre per year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1&lt;sup&gt;st&lt;/sup&gt; Class</td>
<td>100.00</td>
</tr>
<tr>
<td>2&lt;sup&gt;nd&lt;/sup&gt; Class</td>
<td>75.00</td>
</tr>
<tr>
<td>3&lt;sup&gt;rd&lt;/sup&gt; Class</td>
<td>50.00</td>
</tr>
<tr>
<td>4&lt;sup&gt;th&lt;/sup&gt; Class</td>
<td>25.00</td>
</tr>
</tbody>
</table>
In respect of new irrigation works or irrigation works where compulsory basic water-rate will be levied for the first time. The following principals should be adopted:

<table>
<thead>
<tr>
<th></th>
<th>In the first year when water is let out in ayacut</th>
<th>Nil</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>(b) In the second year when water is let out in anicut</td>
<td>50 percent of the appropriate rate</td>
</tr>
<tr>
<td>(c)</td>
<td>In the third year when water let out</td>
<td>75 percent of the appropriate rate</td>
</tr>
<tr>
<td>(d)</td>
<td>In the fourth year and thereafter per year</td>
<td>100 percent of the appropriate rate</td>
</tr>
</tbody>
</table>
In respect of old irrigation works where water rates have been in force hither to the following principals should be adopted:

<table>
<thead>
<tr>
<th>(a)</th>
<th>First year enforcement of the provisions of the Orissa irrigation Act. 1959</th>
<th>50 percent of the appropriate rate or the rate already in force whichever is higher</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b)</td>
<td>Second year of enforcement of the Act</td>
<td>75 percent of the appropriate rate or the rate already in force whichever is higher</td>
</tr>
<tr>
<td>(c)</td>
<td>Third year of enforcement of the Act and thereafter per year</td>
<td>100 percent of the appropriate rate</td>
</tr>
</tbody>
</table>
The register No-III A of the Revenue Inspector deals with Register of changes effecting the demand and the register No-V A is the register which deals with compulsory basic water rate where as V B is the register of water rate and water cess (Fluctuating).

The register No V is intended to show assessment of water rate on account of utilization of water from irrigation sources controlled and managed by the Govt. either for agricultural of for any other purpose. The water rate may be of any of the following nature, namely

- Water rate together with forming consolidated rent determined on lands classed as wet in the settlements records.
- Compulsory basic water rate or water cess levied on lands recognized as forming the permanent ayacut under any source.
- Water rate on land not included in the list of permanent ayacut under a source but supplied with water by the irrigation office on application from a person either for agricultural or for other purposes.
- Water rate levied on acre-inch basis in addition to the compulsory basic water rate or water cess for supply of water after the Khariff season for irrigation of second crops or irrigated dry crops raised on lands entitled to water for raising one wet crop only and water rate and penalty if any un-authorised or irregular irrigation.
The register No III maintained in the office of the Tahasildar deals with the fluctuating water rate. It is described in the manner as follows:

- As soon as the irrigation furnishes the list under Rule 38 or 41 or 42 a miscellaneous revenue case shall be started and particulars of such cases shall be recorded in this register.
- It shall be maintained village wise with an alphabetical list of all villages situated in the Tahasil to serve as an index.
- The different columns of the register have to be filled up as the case proceeds.
- The mode of fixation of the demand and communication of the demands to the RI have been prescribed in Rules 38 to 45.
- At the end of the year the total amount of assessment, penalty etc. levied should be calculated in an abstract from immediately below the last year entry for the year.
Joint enquiry report relating to remission of water rate ( CBWR)

Date:--  Time:-

1. As per the report furnished by R.I ............... in connection with the application filed X son of Y of the village Z regarding remission of water rate joint enquiry is conducted with respect to the land schedule given below:-

Land Schedule

Mouza:  PS:  PS No.:
Khata No.  Plot No.:  Area:

2. Details remission of water rate under enquiry is as follows:
   Annual Demand:-
   Arrear Demand:-
   ( from ........to .......)
Total : ............................
3. Joint enquiry is conducted in presence of the following officials
1. Tahasildar / Addl. Tahasildar
2. Junior/ Assistant Engineer MIP Division
3. ‘Revenue Supervisor
4. Revenue Inspector
4. During the course of enquiry the Register No. 3 of the Tahasil office and Register No. VA of the RI office i.e permanent register of CBWR have been verified
5. On enquiry it is ascertain that the suit land is situated in the tail end of the irrigation project. There is no scope for irrigation facilities to the land. The villagers present during enquiry have stated that the suit land is not getting water since ……….. The statement of the villagers is corroborated with the filed position

1. During joint verification we have satisfied that suit land is not getting irrigated water. The claim of the applicant genuine. The Tahasildar shall prepared remission proposal under the provision of irrigation Act. and submit the record to the appropriate authority.
## SCHEDULE-II
[See rule 23]

SPECIAL RATES FOR PURPOSES OTHER THAN IRRIGATION

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Purpose for which supply is given</th>
<th>Rate in Rupees</th>
<th>Per</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
<td>(4)</td>
</tr>
<tr>
<td>1</td>
<td>Bricks or tile making</td>
<td>30.00</td>
<td>1000 bricks or tiles</td>
</tr>
<tr>
<td>2</td>
<td>(i) For water actually used and consumed for industrial/ commercial purpose -</td>
<td>4.20</td>
<td>1000 litre (1m³)</td>
</tr>
<tr>
<td></td>
<td>Slab I - Consumption ≤ 5 cusec</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Slab II - Consumption &gt; 5 cusec</td>
<td>5.00</td>
<td></td>
</tr>
<tr>
<td>(ii)</td>
<td>For water used for Hydro Power Generation</td>
<td>0.01</td>
<td>1 KWH</td>
</tr>
<tr>
<td>3</td>
<td>For bulk supply to Municipalities and Notified Area Councils and other local authorities for drinking, washing etc.</td>
<td>0.25</td>
<td>1000 litre (1m³)</td>
</tr>
<tr>
<td>4</td>
<td>Construction of Commercial buildings</td>
<td>7.10</td>
<td>1000 litre (1m³)</td>
</tr>
<tr>
<td>5</td>
<td>For filling tanks</td>
<td>0.10</td>
<td>1000 litre (1m³)</td>
</tr>
<tr>
<td>6</td>
<td>For filling tanks mainly for drinking purposes</td>
<td>0.05</td>
<td>1000 litre (1m³)</td>
</tr>
</tbody>
</table>
**SCHEDULE-III**

*See rule 23-A (2) (b)*

RATE OF LICENCE FEE FOR INDUSTRIAL/COMMERICAL USE OF WATER FROM GOVERNMENT WATER SOURCES

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Purpose for which supply is given</th>
<th>Rate in Rupees</th>
<th>Per</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Bricks or tile making</td>
<td>25.00</td>
<td>1000 bricks or tiles</td>
</tr>
</tbody>
</table>
| 2        | (i) For water actually used and consumed for industrial/commercial purpose -  
            Slab I - Consumption ≤ 5 cusec  | 3.40           | 1000 litre (1 m³) |
|          | Slab II - Consumption > 5 cusec | 4.50           |     |
| 2        | (ii) For water used for Hydro Power Generation | 0.01 | 1 KWH |
| 3        | For bulk supply to Municipalities and Notified Area Councils and other local authorities for drinking, washing etc. | 0.20 | 1000 litre (1 m³) |
| 4        | Construction of Commercial buildings | 5.30 | 1000 Litre |
| 5        | For sub soil water actually used and consumed for industrial/Commercial purpose -  
            Slab I - Consumption ≤ 5 cusec  | 6.80           | 1000 litre (1 m³) |
|          | Slab II - Consumption > 5 cusec | 9.00           |     |
Thank You