



കേരള ഗസറ്റ്
KERALA GAZETTE

അസാധാരണം
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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GOVERNMENT OF KERALA
Water Resources (MI) Department
NOTIFICATION

G.O. (P) No. 1/2018/WRD.

Dated, Thiruvananthapuram, 18th February, 2018.

S. R. O. No. 125/2018.— In exercise of the powers conferred by section 94 of the Kerala Irrigation and Water Conservation Act, 2003 (31 of 2003), the Government of Kerala hereby make the following rules, to amend the Kerala Irrigation and Water Conservation Rules, 2005 issued by notification under G.O. (P) No. 60/2005/WRD, dated 5th December 2005 and published as S.R.O No. 1076/2005 in the Kerala Gazette Extraordinary No. 2660 dated 10th December, 2005, namely:—

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala Irrigation and Water Conservation (Amendment) Rules, 2018.

(2) They shall come into force at once.

2. *Amendment of the Rules.*—In the Kerala Irrigation and Water Conservation Rules, 2005,—

(a) in rule 2, clause (c) shall be relettered as clause (f) of that rule and for clause (b) the following clauses shall be substituted, namely:—

“(b) “authorized officer” means an officer authorized by the Government under sub-section (1) of section 4;”;

(c) “Form” means a Form appended to these Rules;

(d) “prescribed authority” means the authority prescribed in rule 6 under sub-section (1) of section 9;

(e) “Schedule” means a Schedule appended to these Rules;

(b) for rule 3, the following rule shall be substituted, namely:—

“3. *Regulation of abstraction of water from water courses.*—

(1) Every application for permission to abstract water shall be submitted to the authorized officer in Form No.1 accompanied by a fee of Rupees 5 (Five only) to be paid by means of a treasury chalan remitted in the Head of Account “0701-80-Gen-other receipts-103-sale of water for other purpose.”

(2) On receipt of an application under sub-rule (1), the authorised officer shall call for a detailed report from the Irrigation Officer within 30 days of such receipt and thereafter on the basis of the report and after due enquiry, he may grant or refuse to grant permission, by a speaking order, within 30 days of receipt of the report.

(3) The report of the Irrigation Officer shall among other details, if any, contain the following details, namely:—

(a) whether the applied quantity of water (or any lesser quantity of water than applied for) would be available for abstraction throughout the agreement period after ensuring that the riparian rights of the downstream stakeholders are satisfied based on hydrological data;

(b) whether any drinking water project would be adversely affected if water is allowed to be abstracted;

(c) whether any irrigation work would be adversely affected if water is allowed to be abstracted;

(d) whether the ecology, environment or natural resources would be adversely affected if water is allowed to be abstracted;

(e) whether in his opinion, permission to abstract water may be granted or refused in the light of the above;

(f) if permission can be granted upon complying with any special conditions, the conditions thereof;

(g) if permission can be granted, the quantity of water that may be allowed to be abstracted during different periods or spells of the agreement;

(h) if permission should not be granted, the specific reasons thereof.

(4) Where permission is granted, the applicant shall execute an agreement with the authorised officer, in the format in Schedule I.

(5) The agreement executed shall be valid for a period of one year subject to the terms and conditions of the agreement.

(6) The Irrigation Officer shall submit at the end of every three months, after executing the agreement, a report containing the details specified in sub-rule (3) to the authorised officer for taking a decision on the continuance of permission to abstract water.

(7) It shall be the duty of the Irrigation Officer to ensure that no person or agency abstracts water from a water course except in accordance

with the Act, rules and the terms and conditions of the agreement and he shall be liable for any default.

(c) in rule 4, in sub-rule (1), for the words and figures "sub-rule(3)," the words and figures "sub-rule(2)" shall be substituted;

(d) after rule 5, the following rules shall be inserted, namely:—

(1) "5A. Grant of permission to construct, install, fix or lay any structure over, across, along or inside an irrigation work.—(1) The Superintending Engineer, under whose jurisdiction the irrigation work falls, shall be the authority under section 5 of the Act, to grant permission to construct, install, fix or lay any structure over, across, along or inside an irrigation work.

(2) Every application for grant of permission under section 5 shall be made to the Superintending Engineer, under whose jurisdiction the irrigation work falls, in Form No. 3A, accompanied by a fee of Rupees 100 (Hundred Only) by means of a Treasury Chalan remitted in the Head of Account "0701-80-Gen-other receipts-103-sale of water for other purpose."

(3) On receipt of an application under sub-rule (2), the Superintending Engineer, under whose jurisdiction the irrigation work falls, shall call for a detailed report from the Irrigation Officer, within thirty days of such receipt and thereafter on the basis of the report and after due enquiry, he may grant or refuse to grant permission, by a speaking order, within thirty days of receipt of the report.

(4) The report of the Irrigation Officer shall, among other details, if any, contain the following details, namely:—

(a) whether the grant of permission to construct, install, fix or lay any structure over, across, along or inside the irrigation work as per the plan, design or drawings is feasible or any modification is required;

(b) whether the grant of permission to construct, install, fix or lay any structure over, across, along or inside the irrigation work as per the

plan, design or drawings would cause damage or disturbance for the functioning of the irrigation work;

(c) whether any future development of the irrigation work would be adversely affected if permission is granted;

(d) whether any beneficiary of the irrigation work would be adversely affected if permission is granted;

(e) whether the ecology, environment or natural resources would be adversely affected if permission is granted;

(f) whether in his opinion permission may be granted or refused in the light of the above;

(g) if permission can be granted upon complying with any special conditions, the conditions thereof;

(h) if permission should not be granted, the specific reasons thereof.

(5) Where permission is decided to be granted, it shall be granted in the format given in Schedule V.

(6) On grant of permission, the applicant shall execute an agreement with the Superintending Engineer, under whose jurisdiction the irrigation work falls, in the format given in Schedule VI.

(7) It shall be the duty of the Irrigation Officer to ensure that no person or agency shall construct, install, fix or lay any structure over, across, along or inside an irrigation work, except in accordance with the permission granted by the Superintending Engineer, under whose jurisdiction the irrigation work falls and after executing agreement specified in Schedule VI and he shall be liable for any default.

5 B. Appeal.—(1) Any person or agency aggrieved by an order refusing to grant permission under rule 5A may, within a period of sixty days from the date of receipt of such order, prefer an appeal to the Chief Engineer (Irrigation and Administration), Thiruvananthapuram.

(2) The appeal shall be in the form of a memorandum setting forth concisely the ground for objection to the order, which is the subject of the appeal, and shall be accompanied by the original or certified copy of the order refusing to grant permission. The memorandum of appeal shall be submitted in duplicate.

(3) A fee of rupees one hundred, shall be paid by means of treasury chalan in respect of each appeal, remitted in the Head of Account "0701-80-Gen-other receipts-103-sale of water for other purpose.";

(e) for rule 6, the following rule shall be substituted, namely:—

"6. *Issue of licence to use water from an irrigation work.*—(1) The prescribed authority for the purposes of clauses (b) and (c) of sub-section (1) and sub-section (2) of Section 9 shall be the Chief Engineer, (Irrigation & Administration), Thiruvananthapuram.

(2) Every application for a licence to use water shall be submitted to the prescribed authority specified in sub-rule (1) in Form No.2, where the purpose for usage is irrigation and in Form No.3, where the purpose for usage is non-irrigation, accompanied by a fee of rupees 50 (Fifty only) and rupees 200 (Two hundred only) respectively paid by means of a Treasury Chalan remitted in the Head of Account "0701-80-Gen-other receipts-103-sale of water for other purpose".

(3) On receipt of an application under sub-rule (2), the prescribed authority shall call for a detailed report from the Irrigation Officer within 30 days of such receipt and thereafter on the basis of the report and after due enquiry, grant or refuse to grant licence, by a speaking order, within 30 days of receipt of the report.

(4) The report of the Irrigation Officer shall among other details if any, contain the following details, namely:—

(a) whether the applied quantity (or any lesser quantity of water than applied for) would be available for usage for the purpose requested in

the application throughout the licence period after ensuring that the riparian rights of the downstream stakeholders are satisfied based on hydrological data;

(b) whether any drinking water projects would be adversely affected if water is given;

(c) whether any irrigation work would be adversely affected if water is given;

(d) whether the ecology, environment or natural resources would be adversely affected if water is given;

(e) whether, in his opinion, licence to use water may be granted or refused in the light of the above;

(f) if licence can be granted upon complying with any special conditions, the conditions thereof;

(g) if licence can be granted, the quantity of water that may be allowed to be used during different periods or spells of the licence;

(h) if licence should not be granted, the specific reasons thereof;

(i) if the application is for drawing water for irrigation purposes, whether the Irrigation Officer is satisfied upon verification that it is for bonafide irrigation purpose.

(5) Where licence is decided to be issued, it shall be issued by the prescribed authority in the Form given in Schedule II.

(6) The licence shall be valid for a period of one year, subject to the terms and conditions of the licence.

(7) The Irrigation Officer shall submit at the end of every three months after issuance of licence, a report containing the details specified in sub-rule (4), to the prescribed authority for taking a decision on the continuance of licence to use water.

(8) No fee shall be payable if the water is used for irrigation purpose subject to verification, satisfaction and certification by the Irrigation Officer.

(9) The fee for usage of water for non-irrigation purpose shall be rupees 10 (Ten only).

(10) It shall be the duty of the Irrigation Officer to ensure that no person or agency uses water from an irrigation work except in accordance with the Act, Rules and terms and conditions of the licence.”;

(f) in rule 7,—

(i) for item (iii), the following item shall be substituted, namely:—

“(iii) The Superintending Engineer under whose jurisdiction the irrigation work falls.”;

(ii) after sub-rule (3), the following sub-rules shall be inserted, namely:—

“(4) Appeal shall be disposed of by a decision agreed to by at least two members.

(5) Appeal shall be disposed of within 30 days from the date of its receipt.”;

(g) in rule 12, the existing rule shall be numbered as sub-rule (1) of that rule and after sub-rule (1) as so numbered, the following sub-rule shall be inserted, namely:—

“(2) The rules applicable to the collection and remittance of land tax and recovery of land tax in case of default in payment/or remittance shall, *mutatis mutandis*, apply to the collection and recovery of irrigation cess.”;

(h) in rule 15,—

(i) in sub-rule (1), for the words “a committee known as”, the words “a committee as specified in the Explanation to section 32 of the Act to be known as” shall be substituted;

(ii) in sub-rule (3) after item (d), the following item shall be inserted, namely:—

“(e) the Assistant Engineer of the Irrigation Department in whose jurisdiction the padasekharam falls.”;

(iii) in sub-rule (6), after the words “shall be three years”, the words, “from the date of its constitution or until a new committee is constituted as provided under clause(g) of sub-rule (10), whichever is later”, shall be inserted;

(iv) in sub-rule (10),—

(a) after the words “Punja Special Officer”, the words, “or in his absence, the Irrigation Officer”, shall be inserted;

(b) in item(a), after the words, “Punja Special Officer”, the words, “or in his absence, the Irrigation Officer” shall be inserted;

(c) in item (b), after the words, “Punja Special Officer”, the words, “or in his absence, the Irrigation Officer” shall be inserted;

(d) for item (g), the following item shall be substituted, namely:—

“(g) It shall be the duty of the Punja Special Officer or in his absence, the Irrigation Officer to take steps for the conduct of election to the executive committee at least three months before the expiry of the term of the existing committee and also to ensure that elections are conducted and a new committee constituted within three months after the expiry of the term of the existing committee;

(i) for rule 17, the following rule shall be substituted, namely:—

“17. *Powers and duties of the Collector, Punja Special Officer or Irrigation Officer.*—The powers and duties under sections 31, 32 and 33 of the Act, authorised to be exercised under section 34 shall be exercised and performed by the Collector, the Punja Special Officer or the Irrigation Officer, as the case may be. In addition, they shall also supervise the work done by the Padasekharam Committee.”;

(j) for rule 19, the following rules shall be substituted, namely:—

“19. *Issue of permit to fish in a reservoir.*—(1) Every person seeking previous permission for fishing under sub-section (1) of section 42 shall submit an application in Form No. 9A, to the Irrigation Officer accompanied by a fee of rupees 100 (One hundred only) to be paid by means of a treasury chalan remitted in the Head of Account “0701-80-Gen-other receipts-103-sale of water for other purpose.”.

(2) On receipt of an application under sub-rule (1), the Irrigation Officer shall call for a detailed report from the Custodian Officer of the reservoir within 7 days of such receipt and thereafter on the basis of the report and after due enquiry he may grant or refuse to grant permit, by a speaking order within 7 days of receipt of the report.

(3) The report of the Custodian Officer shall among other details if any, contain the following details, namely:—

- (a) whether fishing can be allowed during the period applied for;
- (b) whether it is safe to allow fishing;
- (c) whether the antecedents of the applicant allow issuance of the permit;
- (d) whether the antecedents of the workmen engaged by the applicant for fishing, allow issuance of the permit;
- (e) whether the ecology, environment or natural resources would be adversely affected;
- (f) if permit should not be issued, the specific reasons thereof.

(4) Where permit is decided to be issued, it shall be issued by the Irrigation Officer, in the format given in Schedule III.

(5) The permit shall be valid for a period of thirty days, subject to the terms and conditions of the permit.

(6) The details of the permit holder and his workmen shall be recorded in the permit.

(7) It shall be the duty of the Custodian Officer to ensure that no person other than the permit holder and the workmen of the permit holder as noted in the permit, are allowed to fish in the reservoir.

(8) The number of persons who may be given permit for fishing and the area where each permit holder and his workmen may be allowed to fish shall be fixed by the Irrigation Officer in consultation with the Custodian Officer and specified in the permit.

(9) Where an application is rejected by the Irrigation Officer, the reasons thereof shall be informed in writing to the applicant.

(10) Where an application is rejected, the applicant may file an appeal before the Superintending Engineer under whose jurisdiction the reservoir falls, whose decision thereon shall be final.

19A. *Issue of licence for navigation in an irrigation work.*—(1) Every person seeking licence for navigation under section 43 shall submit an application in Form No. 9B to the Chief Engineer, concerned under whose jurisdiction the irrigation work falls, accompanied by a fee of rupees 500 (Rupees Five hundred only) to be paid by means of a Treasury Chalan remitted in the Head of Account “0701-80-Gen-other receipts-103-sale of water for other purpose.”.

(2) On receipt of an application under sub-rule (1) the Chief Engineer concerned shall call for a detailed report from the Superintending Engineer under whose jurisdiction the irrigation work falls within 30 days of such receipt and thereafter on the basis of the report and after due

enquiry, grant or refuse to grant licence for navigation, by order, within 30 days of receipt of the report.

(3) The report of the Superintending Engineer shall among other details if any, contain the following details, namely:—

(a) whether it is safe to allow navigation for the purpose applied for;

(b) whether navigation can be allowed for the purpose applied for during the period specified in the application or if navigation for the purpose applied for can be allowed for a different period or periods, the reasons and details thereof may be stated;

(c) whether the vessel intended to be used for navigation satisfies the statutory prescriptions under the Inland Vessels Act, 1917 and the rules made thereunder as certified by the Coastal and Inland Navigation Department or Port Department;

(d) whether the safety of the vessel and passengers are ensured and the details thereof;

(e) whether the ecology, environment or natural resources would be adversely affected, if navigation is permitted;

(f) whether pollution would be caused, if navigation is permitted;

(g) if licence can be granted upon complying with any special conditions, the conditions thereof;

(h) if licence cannot be granted, the specific reasons thereof.

(4) Where licence is decided to be granted, it shall be granted by the Chief Engineer concerned under whose jurisdiction the Irrigation work falls, in the format given in Schedule IV.

(5) The licence shall be valid for a period of one year, subject to the terms and conditions of the licence.

(6) It shall be the duty of the Superintending Engineer under whose jurisdiction the irrigation work falls, the Irrigation Officer and the

Custodian Officer in the case of reservoirs, to ensure that navigation is not conducted in any irrigation work except under a licence issued under the Kerala Irrigation and Water Conservation Act, 2003 and the rules made thereunder.”;

(k) in rule 20, after sub-rule (2), the following sub-rule shall be inserted, namely:—

“(3) The betterment contribution shall be paid in a Government Treasury by Treasury chalan under the Head of Account “0701-80-Gen-other receipts-103-sale of water for other purpose.”;

(l) after rule 22, the following rule shall be inserted, namely:—

“22A. *Records to be maintained by Farmers Association.*—(1) Every Farmers Association shall maintain the following records, namely:—

(i) Register of meetings containing agenda, minutes and decisions of general body and executive committee meetings;

(ii) Register showing details of water schedule including distribution, usage and monitoring;

(iii) Register of Accounts showing all receipts and expenditures;

(iv) Register of Assets;

(v) Register of Audit;

(vi) Register of Social Audit;

(vii) Register of members of the association;

(viii) Register of office bearers of the association with their designation.

(2) The competent authority appointed under sub-section (1) of Section 53 shall inspect the registers at least once in every financial year.

(3) The Executive Committee may decide to maintain such other registers and records as may be found necessary.”;

(m) in rule 23,—

(a) for clause (i), the following clause shall be substituted, namely:—

“(i) The term of office of the Chairman of the Authority shall be four years from the date of assumption of office. The term of office of each member nominated by the Government shall be normally four years from the date of his nomination unless cancelled by the Government before the expiry of his term”;

(b) after sub-rule (4), the following sub-rule shall be inserted, namely:—

“(5) The Chairman or any member nominated by the Government may, by writing addressed to the Chief Secretary, Government of Kerala, resign his office on any day during the term of office and the resignation shall take effect from a prospective date specified in the letter.”;

(n) in rule 24, for sub-rule (2), the following sub-rule shall be substituted, namely:—

“(2) The personal staff of the Chairman may be appointed by deputation from similar categories from any service in the State or on payment of daily wages and other benefits as fixed by the State Government for similar categories. The other officers and staff shall be appointed on deputation basis from similar categories of officers and staff borne on the service of the Irrigation Department of the State Government. The appointment and terms and conditions of appointment shall be as ordered by the Government from time to time.”;

(o) in rule 27, in sub-rule (9), for the words and figures “collection register in Form No. 17”, the words and figures “collection register in Form No. 16”, shall be substituted;

(p) in rule 32, after the words “treasury chalan”, the words and figures “in the Head of Account “0701-80-Gen-other receipts-103-sale of water for other purpose” within thirty days of receipt of the order.” shall be inserted;

(q) for Form No. 1, the following Form shall be substituted, namely:—

“WATER RESOURCES DEPARTMENT

FORM NO. 1

[See rule 3(1)]

Application for permission for abstraction of water under section 4 of the Kerala Irrigation and Water Conservation Act, 2003

To

The

1. Name of applicant :
2. Place of residence and address :
3. Purpose with details :
4. Name of water course :
5. Location of abstraction and mode of abstraction :
6. Quantity of water to be drawn :
7. Period of drawal :
8. Amount Paid :
9. Chalan No. and Date :

I/We declare that I/We shall abide by the terms and conditions for the abstraction of water.

Place:

Date:

Signature of the applicant

(r) for Form No. 2, the following Form shall be substituted, namely:—

“WATER RESOURCES DEPARTMENT

FORM NO. 2

[See rule 6(2)]

Application for licence under section 9 of the Kerala Irrigation and Water Conservation Act, 2003 for usage of water for irrigation purpose

The

District.....

1. Name of applicant :
2. Father's Name :
3. Place of residence and address :
4. Purpose :
5. Location of abstraction (Village, Taluk, District) and mode of abstraction :
6. Name and details of irrigation work :
7. Quantity of water allowed to be drawn :
8. Period of drawal :
9. Extent of irrigable land held with Survey No. :

I do hereby declare that I shall abide by the terms and conditions of the licence.

Place:

Date:

Signature of the applicant

For Office Use

Issued licence vide order No. dated/
Rejected vide order No. dated (Reasons to be stated).

Dated signature of the issuing authority

(Office Seal).”

(s) for Form No. 3, the following Form shall be substituted, namely:—

“WATER RESOURCES DEPARTMENT

FORM NO. 3

[See rule 6(2)]

Application for licence under section 9 of the Kerala Irrigation and Water Conservation Act, 2003 for usage of water for non-irrigation purpose

1. Name of applicant :
2. Father's Name :
3. Place of residence and address :
4. Purpose :
5. Location (Village, Taluk, District) from where water is intended to be drawn/used. :
6. Name and details of irrigation work :
7. Quantity of water intended to be drawn/used :
8. Mode of drawal of water :
9. Period of drawal/use :
10. Location where water is used :
11. Amount Paid :
12. Chalan No. & Date :

I do hereby declare that I shall abide by the terms and conditions of the licence.

Place:

Date:

Signature of the applicant

For Office Use

Issued licence/Rejected vide Order No. dated

(Seal)

Dated signature of the authority.”

(t) after Form No. 3, the following Form shall be inserted, namely:—

“WATER RESOURCES DEPARTMENT

FORM NO. 3A

[See rule 5A(2)]

Application for permission to construct, install, fix or lay any structure over, across, along or inside an irrigation work under section 5 of the Kerala Irrigation and Water Conservation Act, 2003

1. Name of applicant :
2. Father's Name :
3. Place of residence and address :
4. Purpose :
5. Location (Village, Taluk, District) :
6. Name and details of irrigation work :
7. Details of the structure including plans, drawings, estimated cost of construction etc. :
8. Amount Paid :
9. Chalan No. and Date :

I do hereby declare that I shall abide by the terms and conditions of the permit.

Place:

Date:

Signature of the applicant

For Office Use

Issued permit/Rejected vide Order No. dated

*Dated signature of the Chief Engineer,
Irrigation and Administration.*

(u) after Form No. 9, the following Forms shall be inserted, namely:—

“WATER RESOURCES DEPARTMENT

FORM NO. 9A

[See rule 19(1)]

Application for permission to fish under section 42 of the Kerala Irrigation and Water Conservation Act, 2003

1. Name of applicant :
2. Father's Name :
3. Place of residence and address :
4. Name of reservoir in which fishing is intended :
5. Details of workmen engaged by the applicant for fishing :
6. Period during which fishing is intended to be conducted :
7. Amount Paid :
8. Chalan No. and Date :

I declare that I shall abide by the terms and conditions of the permit.

Place:

Date:

Signature of the applicant

For Office Use

Issued permit/Rejected vide Order No. dated

Dated signature of the authority.

WATER RESOURCES DEPARTMENT

FORM NO. 9B

[See rule 19A(1)]

Application for licence under section 43 of the Kerala Irrigation and Water Conservation Act, 2003 for navigation in an irrigation work

1. Name of applicant :
2. Father's Name :
3. Place of residence and address :
4. Name and details of irrigation work where navigation is proposed to be conducted :
5. Purpose :
6. Whether the vessel has satisfied all the relevant conditions in the Inland Vessels Act, 1917 and the Kerala Inland Vessels Rules, 2010 :
7. Details of registration and other orders permitting navigation of the vessel :
8. Amount paid :
9. Chalan No. and Date :

I do hereby declare that what is stated above is true to the best of my knowledge and belief and that I shall abide by the terms and conditions of the licence.

Place:

Date:

*Signature of the applicant***For Office Use**

Issued permit/Rejected vide Order No. dated

Dated signature of the authority.

(v) after Form No. 21, the following Schedules shall be inserted, namely:—

"SCHEDULE I

AGREEMENT

[See rule 3]

This AGREEMENT is executed on this theday of BETWEEN Sri (here enter name, age and address of the applicant) (hereinafter referred to as 'the applicant', which shall include his heirs, successors and assigns) AND the Governor of Kerala, represented by the Chief Engineer (Irrigation and Administration), Thiruvananthapuram (which shall include his successors in office) (hereinafter referred to as the 'Government');

WHEREAS, the applicant has requested the Government for a permit to draw m³/day of water from the..... (here enter name of Irrigation work) in accordance with the Kerala Irrigation and Water Conservation Act, 2003 and the rules made thereunder;

AND WHEREAS, subject to the limitations provided therein, section 3 of the Act, among other things, provides that the water courses and water in such water course shall be the property of Government and the Government shall be entitled to conserve and regulate the use of such water courses and the water in all those water courses for the purposes of irrigation and the generation of electricity and for matters connected therewith or for both;

AND WHEREAS, sub-section (1) of section 4 of the Act, among other things, provides that save as provided in the Act, no person or agency shall abstract water from a water course by installation of any mechanical or electrical device, the capacity of which in the aggregate, is more than five horse power, or any hose, pipe or other similar device or by any other means except with the previous permission of the officer authorized by the Government in this behalf within whose jurisdiction such device for

abstraction of water is installed and subject to such terms and conditions and on the payment of such fees as may be prescribed;

AND WHEREAS, the officer authorised by the Government under section 4 of the said Act has, vide Order No., accorded permission to the applicant to draw m³ of water from the upon the following terms and conditions.

Now This Agreement witnesses, and the parties hereto mutually agree, as follows:—

1. The Kerala Irrigation and Water Conservation Act, 2003 and the rules made thereunder (hereinafter referred to as the 'Act and Rules') shall govern this Agreement, except the conditions hereinafter appearing.
2. This agreement shall be valid from to
3. The Government shall be entitled to fix a level beyond or beneath which water shall not be abstracted by the applicant. The Government shall also be entitled to direct the applicant to reduce or stop the abstraction of the agreed quantity of water allowed to be abstracted, in public interest, at any time during the currency of this agreement period with due notice and the applicant shall duly abide by such directions at all times.
4. The applicant shall install at his cost such devices, structures and water measuring equipments for assessing the exact quantity of water abstracted, at such place or places as per plan, design, drawings etc. (hereinafter referred to as the project) as directed by the Government in writing. Abstraction of water shall be started only after compliance of these conditions as certified by the Irrigation Officer. This agreement is executed only after compliance of this condition.
5. Subject to the above and subject to the other conditions hereinafter appearing, the applicant is permitted to draw m³ of water per day from the date of remittance of the fees payable for the water and after execution of this agreement.

6. The applicant shall utilize the water only for the purpose for which it was allowed to be abstracted. The applicant shall at all times be liable to prove the utilization to the Irrigation Officer or such officers authorised by the Government.

7. The applicant shall maintain such registers as directed to be maintained by the Government indicating the amount of water drawn every day and the meter readings for verifying the quantity of water drawn.

8. The applicant shall also maintain such other registers as directed to be maintained by the Government.

9. The Government or the Irrigation Officers under the Act and such other officers authorised by the Government shall inspect or cause to inspect the registers referred in clauses 7 and 8 above at all times and certify its correctness. Such inspection shall be conducted regularly but not less than once in a week to ensure compliance of the conditions in this agreement. All directions given by the Government or Irrigation Officer or authorised officers of the Government at the time of inspection or after such inspection shall be duly complied with by the applicant within the time specified, without fail.

10. The Government or the Irrigation Officer or the officers authorised by the Government shall be entitled to and have the powers to inspect the water abstraction arrangements or projects at any time with or without notice and the applicant shall facilitate such inspection without raising any objections, claims or demands. All or any directions given to the applicant during or after such inspection shall be duly complied with by the applicant within the period and time specified in the direction without fail.

11. The applicant shall ensure at all times that the natural flow of water, its utilization by the general public and navigation through it are not hindered or affected in any manner. The question whether any hindrance or effect has occurred shall be determined by the Government with due notice to the Company. In the event of determination that any hindrance or effect

has occurred, the applicant shall take such steps as required by the Government to remove the hindrance or rectify the effect within the time specified failing which the Government shall terminate the agreement and take appropriate steps to remove the hindrance or rectify the effect at the risk and cost of the applicant.

12. If at any time, the Government decides to conduct any activity in the water course in public interest and if it is found that the abstraction of water is a hindrance for such activity, the Government shall give due notice to the applicant of its decision and thereupon it shall be the duty and responsibility of the applicant to remove the hindrances at his cost and in such manner as directed by the Government.

13. The execution of this agreement is not an assurance or the liability of the Government to ensure abstraction of the quantity of water allowed to be abstracted. The continuance of the agreement would be determined by the rules contained in rule 3. In the event the applicant is not complying with the direction within the specified time in the notice, the Government may terminate the agreement and take such steps or action to remove the hindrance at the risk and cost of the applicant.

14. The prescribed fees for abstracting water i.e., Rs. shall be remitted in lump by the applicant in a Government Treasury in the Head of Account within 15 days of execution of this agreement. However, the applicant shall also agree to pay such enhanced fees as may be prescribed from time to time during the currency of this agreement. Upon notice, the applicant agrees to remit such enhanced amount from the date specified in lump.

15. The applicant shall not draw water in excess of the agreed quantity. Where it is found that applicant has abstracted more than the agreed quantity, he shall be liable to pay two times the fees fixed, for each day from the date of starting of abstraction of water to the date of abstracting excess quantity.

16. The actual amount due to or payable to Government by the applicant under the Act and Rules shall be finalised within three months after expiry of this agreement. Upon notice, the amount so assessed shall be payable by the applicant within fifteen days. Any amount, if payable by Government shall be paid immediately on receipt of funds from the Government of Kerala, but it shall be paid before the end of the financial year in which the agreement expires. Any delay in payment of such amounts shall entail penal interest @12% per annum on such amount after the time limit fixed for the payment.

17. The company shall remit 5% (five per cent) of the above stated tentatively assessed total fees as security deposit in a Government Treasury under the Head of Account towards due performance of the terms and conditions of this agreement. The amount remitted shall not fetch any interest. In the event of breach of any of the terms of this agreement, apart from terminating the contract the whole of the security deposit shall be forfeited to Government. The security deposit or the balance of the security deposit if any to be paid shall be repaid to the applicant after termination of this agreement and immediately on receipt of funds from the Government but however before the end of the financial year in which the agreement expired.

18. Where it is found that the applicant has abstracted more than the agreed quantity of water on any day, during the currency of this agreement, apart from treating it as a violation of the terms of the agreement, for which of the agreement is liable to be terminated. However, the Government of Kerala may by order condone the violation and permit the applicant to continue the water abstraction on payment of a penalty equal to two times the fees for abstraction for each day's violation from the date of starting of abstraction to the date of violation.

19. Any amount due to Government under the agreement shall be recoverable from the security deposit or the fees paid and if this amount remains insufficient, by exercising the powers under the Kerala Revenue Recovery Act as if such dues were public revenue due on land or under any law for the time being in force, at the discretion of the Government.

20. Though the validity of the period of this agreement has been fixed up to the Secretary to Government, Water Resources Department, Government of Kerala on behalf of the Governor of Kerala, may, in public interest or for violation of any of the terms of this agreement, direct the second party to terminate this agreement with effect from such date as may be directed. The applicant hereby agree to terminate the contract accordingly without raising any claim on such direction.

21. This agreement shall, unless extended beyond..... by executing a fresh agreement, be deemed to have been terminated on.....midnight. The applicant shall thereafter stop abstracting water from.....midnight. The applicant shall abstract water thereafter only after executing a fresh agreement with the Government upon the same conditions or further or amended conditions as determined by the Government of Kerala.

22. In the event of violation of any of the terms of this agreement, either party shall have the right to terminate this agreement after due notice of one month.

23. In the event of termination of the agreement, or non-execution of fresh agreement as agreed above, the applicant shall remove all the structures, equipment, devices, pipes, appliances and the like which were used for the project from the place or area or site within a period of one month. Such removal shall be done under the supervision, direction and approval of the second party. The area or place or site utilized for the project shall be handed over back to the second party under proper acknowledgment. A certificate towards this effect shall be issued by the second party after such removal by the applicant. In the event of non-removal by the applicant within the time limit specified above, the second party shall remove the same at the risk and cost of the applicant.

24. All disputes arising out of this agreement may be referred to the Secretary to Government, Water Resources Department, Government of Kerala who shall take a decision on the dispute, within thirty days of such

reference, in accordance with the procedure determined by him. Such decision of the Secretary to Government on the dispute shall be final and binding on both the parties.

In WITNESS WHEREOF THE PARTIES, Sri and Sri/Smt.have set their hands on the day, month and year first above written.

Signed by.....	Signed by.....
In the presence of witness:	In the presence of witness:
(1) Signature	(1) Signature
Name:	Name:
Designation:	Designation:
(2) Signature	(2) Signature
Name:	Name:
Designation:	Designation:

SCHEDULE II

LICENCE

[See section 9 & rule 6]

This Licence is granted to (Here enter name and address of the applicant) for usingquantity of water from (here enter name of irrigation work) for purpose from to (here enter period) upon the following terms and conditions:—

Terms and Conditions

1. The Kerala Irrigation and Water Conservation Act, 2003 and the rules made thereunder (hereinafter referred to as the 'Act and Rules') shall govern this Licence except for the conditions hereinafter appearing.

2. The quantity of water that may be given for usage shall be fixed by the Irrigation Officer in accordance with the rules.

3. The Irrigation officer shall fix the places and points from which water may be drawn and the devices including their make, nature and descriptions through which water may be drawn for usage by the licensee.

4. The licensee shall install in his land or in Government land, if permitted, at his cost such devices, structures and water measuring equipments having valid calibration certificate, for assessing the exact quantity of water used to at such place or places as directed by the Irrigation Officer, in writing.

5. The fees towards cost of water, security deposit and such other fees, if any, as notified shall be deposited by the applicant in the manner hereinafter provided.

6. Water shall be used only after compliance of conditions 4 and 5, as certified by the Irrigation Officer. The fact of compliance and details thereof shall be reported by the Irrigation Officer to the Government.

7. Notwithstanding the above conditions, the prescribed authority or the Irrigation Officer or any of the officers authorised by the Government or with the concurrence of the Government, shall be entitled to direct the licensee to reduce or stop the usage of the agreed quantity of water allowed to be used in public interest from any time of a date or for such periods

during the currency of the licence with due notice and the applicant shall duly abide by such directions at all times, without raising any claims or objections. The cost of water used at appropriate rates and difference, if any, due to reduced cost (for the reason of change in slab if that occurs) would be refunded to the licensee within three months after the expiry of the licence. Where the licence is extended, such amounts shall be adjusted against future payments.

8. The licensee shall utilize the water only for the purpose for which it was allowed to be used. The licensee shall at all times be liable to prove the utilization of water to the Irrigation Officer or such officers authorised by the Government. The Irrigation Officers or the officers authorised by the Government shall at all times be entitled to verify the utilization of the water and take appropriate steps in accordance with this licence. Any change in the utilization other than for that permitted will result in termination of this licence with immediate effect. The requirement of one month notice specified in clause 28 will not be applicable in such cases. The security deposit will be forfeited to the Government account. Apart from the above, the cost of water would be calculated at twice the rate fixed in this licence for the agreed quantity of water from the date of commencement of this licence to the date of cancellation of this licence. Such amount shall be remitted within the time specified failing which it would be recovered in terms of this licence.

9. The prescribed authority or the Irrigation Officer or such other officers authorised by the Government shall be entitled to verify whether water has been utilized for any purpose other than for which it was allowed to be used.

10. The licensee shall maintain such registers as directed to be maintained by the prescribed authority indicating the amount of water used every day and the meter readings for verifying the quantity of water used.

11. The licensee shall also maintain such other registers as directed to be maintained by the prescribed authority.

12. The Irrigation Officer shall also maintain a register wherein meter readings and directions given to the licensee will be recorded under the acknowledgement of the licensee.

13. The prescribed authority or the Irrigation Officer or such other officers authorised by the Government shall inspect or cause to inspect the registers referred in clauses 9, 10 and 11 above at all times and certify its correctness and compliance.

14. The prescribed authority or the Irrigation Officer or such other officers authorised by the Government shall inspect or cause to inspect the devices, structures and water measuring equipments and registers specified in clauses 9, 10 and 11 above for assessing the exact quantity of water used. Such inspections shall be conducted regularly but not less than once in two weeks to ensure compliance of the conditions in this licence. Such inspections may be conducted at any time with or without notice and the licensee shall facilitate such inspection without raising any objections, claims or demands. All directions given by the prescribed authority or Irrigation Officer or officers authorised by the Government at the time of such inspection or after such inspection shall be recorded in the register specified in clause 11 above and duly complied with by the licensee within the time specified without fail.

15. The licensee shall ensure at all times that the natural flow of water, its utilization by the general public and navigation through it are not hindered or affected in any manner. The question whether any hindrance or effect has occurred shall be determined by the prescribed authority or the Irrigation Officer or such other officers authorized by the Government with due notice to the licensee. In the event of determination that any hindrance or effect has occurred, the licensee shall take such steps as required in the notice to remove the hindrance or rectify the effect within the time specified failing which the licence shall be terminated and appropriate steps will be taken to remove the hindrance or rectify the effect at the risk and cost of the licensee.

16. If at any time the prescribed authority or the Irrigation Officer or such other officers authorized by the Government decides to conduct any activity in the irrigation work in public interest and if it is found that the water usage is a hindrance for such activity, the prescribed authority or the Irrigation Officer or such other officers authorized by the Government shall give due notice to the licensee of its decision and thereupon it shall be the duty and responsibility of the licensee to remove the hindrances at his cost in such manner as directed by the prescribed authority or the Irrigation Officer or such other officers authorised by the Government. In the event of licensee not complying with the direction within the specified time in the notice, the licence may be terminated and action taken to remove the hindrance at the risk and cost of the licensee.

17. The granting of this licence is not an assurance or the liability of the Government to ensure granting of the quantity of water allowed to be

used. The sustenance of this licence is subject to clause 7 and compliance of the terms and conditions of this licence.

18. No fees shall be payable where the water is used for irrigation purpose. Accordingly, clauses in this licence relating to payment of fees and charges shall not be applicable to such licence.

19. The cost of water and security deposit where water is used for non-irrigation purposes shall be calculated in the following manner:—

Cost of water

A. For 0001m³ to 1000m³ per day = ₹/m³
(2 times the rate fixed for water abstraction)

B. For 1001m³ to 3000m³ per day = ₹/m³
(2 times of rate A)

C. For 3001m³ to 6000m³ per day = ₹/m³
(3 times of rate A).

Security Deposit—5% of the cost of water

20. The amount fixed on the basis of the above for the period from.....to.....i.e. ₹ (Rupees Only) shall be remitted in lump by the licensee in a Government Treasury in the Head of Account within 15 days of granting of this licence. The licensee also agrees to pay such enhanced fees as may be prescribed by the Government of Kerala from time to time during the currency of this licence. Upon notice, the licensee agrees to remit such enhanced amount in lump from the date specified.

21. The licensee shall remit the security deposit as assessed by in the form of term deposit pledged in favour of the Irrigation Officer towards due performance of the terms and conditions of this licence. In the event of violation of any of the terms of this licence, apart from terminating the licence, the whole of the security deposit shall be forfeited to Government account. The security deposit or the balance of the security deposit, if any to be paid, shall be repaid to the licensee within three months after expiry of this licence. Where the licence is extended, the difference of security deposit amount calculated shall be remitted in the manner specified above.

22. The licensee shall not use water in excess of the agreed quantity. Where it is found during successive inspections (once in two weeks) that the licensee has used more than the agreed quantity of water, he shall be liable to pay two times the rate of fee fixed additionally, deeming that he has drawn the excess quantity on all days during the said period. The amount thus assessed and notified for payment shall be remitted by the licensee in a Government Treasury in a Head of Account within such period notified. The calculation method for assessing the amount to be paid if it is found that excess water has been used, shall be as follows:—

Eg: Allowed quantity = $100\text{m}^3/\text{day}$. Rate = ₹...../ $\text{m}^3/\text{per day}$.

Water permissible to be used between 1-1-2013 and 15-1-2013 (dates of inspection) = 1500m^3 . Water used on any day between 1-1-2013 and 15-1-2013 = 200m^3 . Amount to be paid additionally = $3000(\text{m}^3) \times \text{rate fixed}^2$.

23. In the event of the water measuring equipment becoming non-functional, the fact thereof shall be immediately reported by the licensee to the Irrigation Officer. The Irrigation Officer shall find out the reason for the same, fix the liability and report the matter to the prescribed authority. The licensee shall either immediately repair the same or replace it with fresh devices and ensure that it has become functional to the satisfaction and certification of the Irrigation Officer. The steps taken shall be reported to the prescribed authority by the Irrigation Officer. Where the non-functionality has come to the notice during inspection, the licensee shall be bound to satisfactorily explain the reasons for not having reported the matter. In that case the liability would rest with the licensee. Where it is found that the liability for non-functionality rests with the licensee, the cost of water shall be calculated as per clause 21 for the entire period during which it was non-functional. Where it is found that the liability is not on the licensee, the cost of water would be assessed as if only the permitted quantity of the water has been used during the period for which the device was non-functional. It would be the liability of the Irrigation Officer to ensure that the devices are properly functioning during the licence period. Where it becomes non-functional, it would be the liability of the Irrigation Officer to ensure that the devices become functional before the next date of inspection.

24. The amounts due to the licensee or payable to Government by the licensee, under the Act and Rules and under this licence, shall be finalized within three months after expiry of the licence. Upon notice, the amount so

assessed, if payable by the licensee, shall be payable by him within 15 (fifteen) days from the date of receipt of the notice requiring payment. Any delay in payment of such amounts within the specified time shall entail payment of penal interest @12% per annum on such amount after the time limit fixed for the payment. Any amount, if assessed to be payable by Government, shall be paid within three months after the date of such assessment. The licensee shall be entitled to claim interest on delayed payments @12% per annum.

25. Where a fresh licence is given to the licensee for use of water, the amounts payable or receivable by either parties shall be adjusted in the calculations.

26. Where it is found that the licensee has used more than the agreed quantity of water on any day during the currency of this licence, it shall be treated as a violation of the terms of the licence, for which the licence is liable to be terminated. But however, the Government of Kerala may by order condone the violation and permit the licensee to continue the use of water upon the payment of additional amount as calculated in clause 21.

27. Any amount due to Government under this licence shall be recoverable from the security deposit or the fees paid or from any amount payable to the licensee and if this remains insufficient, by exercising the powers under the Kerala Revenue Recovery Act as if such dues were arrears of public revenue due on land or under any law for the time being in force at the discretion of the Government.

28. Though the validity of the period of this licence has been fixed up to, the Secretary to Government, Water Resources Department, Government of Kerala on behalf of the Governor of Kerala, may, in public interest or for violation of any of the terms of this licence, direct the prescribed authority to terminate this licence with effect from such date as may be directed. The licensee shall stop the use of water accordingly, without raising any claim or objection.

29. The licence shall, unless extended beyond.....by granting of a fresh licence, be deemed to have been terminated on.....midnight and the licensee shall stop using water thereafter. The licensee shall use water thereafter only after getting a fresh licence on the same conditions or further or amended conditions as determined by the Government of Kerala.

30. In the event of violation of any of the terms of this licence, the prescribed authority shall have the right to terminate this licence with due notice of one month.

31. In the event of termination of the licence or non-grant of fresh licence as envisaged above, if the licensee has occupied any Government land or utilized it by installing any structures, equipment, devices, pipes, appliances and the like, he shall immediately vacate the occupation and remove all the structures, equipment, devices, pipes, appliances and the like from the land within a period of one month, under the supervision, direction, approval and acknowledgement of the Irrigation Officer. In the event of non-vacation of the land or removal of the utilizations in the land by the licensee within the time limit specified above, the prescribed authority shall remove the same at the risk, cost and liability of the licensee.

32. All disputes arising out of this licence shall be referred to the Secretary to Government, Water Resources Department, Government of Kerala who shall take a decision on the dispute within 30 days of such reference in accordance with the procedure determined by him. Such decision of the Secretary to Government on the dispute shall be final and binding.

33. The courts having jurisdiction over the area in which water usage is carried out shall alone have jurisdiction to entertain suits or legal proceedings on any matter touching upon this licence.

Name:

Designation:

(Prescribed Authority).

(Office Seal)

SCHEDULE III

PERMIT

(See section 42 & rule 19)

This Permit is hereby granted to.....(here enter name and address of the permit holder) for fishing in the (here enter name of reservoir) in the area (specify the area where fishing is to be done) for the period from.....to.....upon the following terms and conditions:—

Terms and Conditions

1. The permit holder will be allowed to fish by himself or by his workmen under his supervision, responsibility and liability.
2. Fishing will be allowed only in the area earmarked to the permit holder, i.e. area (specify the limits and boundaries where fishing is permitted).
3. The permit holder and his workmen will be allowed to fish only with the permission of the custodian officer of the reservoir.
4. Fishing will be allowed from to (here enter time). However the custodian officer shall have the right to modify the timings.
5. The permit holder and his workmen shall submit proof of identity to the custodian officer before commencing fishing on any day.
6. The permit holder and his workmen shall disclose all articles available with them before the custodian officer before entering the reservoir area. Only those articles permitted by the custodian officer to be carried shall be carried along with them.
7. Explosives and poisonous substances shall not be used for fishing.
8. De-watering shall not be done.
9. Fish culture shall not be done.
10. The permit holder or his workmen shall have no claim over the fish or fish seedlings.

11. The property, structures, bunds, appurtenants and the like belonging to the Irrigation Department shall not be used by the permit holder and his workmen without the written permission of the Irrigation Officer and Custodian Officer. Any damage to any of the above identified by the Irrigation Officer or Custodian Officer shall be treated as caused by the permit holder and accordingly treated as his sole liability.

12. Pollution or environmental damage shall not be caused to the irrigation work and area. Any material likely to cause pollution or environmental damage according to the Irrigation Officer or Custodian Officer shall not be carried or used during fishing. The Irrigation Officer or Custodian Officer shall direct the permit holder or his workmen to stop fishing if he is of the opinion that activities of the permit holder and the persons engaged by him will cause or is likely to cause pollution or environmental damage. The permit holder and his workmen shall comply with such directions.

13. The safety of the permit holder and his workmen and the articles that they use vests solely with them. The Irrigation Department and its officers shall not be liable for any incident arising out of this permit.

14. All instructions and directions of the Custodian Officer given from time to time shall be strictly complied with. Failure of compliance on the part of the permit holder or his workmen shall entail cancellation of this permit.

15. The Custodian Officer shall have the right to direct the permit holder or his workmen to stop fishing at any time for specific reasons, with the concurrence of the Irrigation Officer. The permit holder and the persons engaged by him shall thereupon stop fishing without raising any claims.

16. The Irrigation Officer shall have the right to cancel this permit at any time by order for reasons to be recorded in writing.

Place:

Date:

Irrigation Officer

(Here enter name of the Irrigation Officer under whose jurisdiction the reservoir falls)

(Office Seal)

SCHEDULE IV
LICENCE
(See section 43 & rule 19A)

This Licence is granted to (here enter name and address of the applicant) for navigation in the (here enter name of irrigation work) for purpose (here enter purpose namely, commercial or tourism or private etc.) from to (here enter period) upon the following terms and conditions:—

Terms and Conditions

1. The following conditions to the extent of its non-repugnancy to the Kerala Irrigation and Water Conservation Act, 2003 and the rules made thereunder (hereinafter referred to as Irrigation Act and Rules) and the Inland Vessels Act, 1917 and the rules made thereunder (hereinafter referred to as the 'Inland Vessels Act and Rules'), Travancore Public Canals and Public Ferries Rules, 1100 ME issued under the Public Canals and Public Ferries Act, 1096 ME, the Cochin Public Canals and Backwaters Navigation Rules, 1114 ME issued under the Cochin Public Canals and Backwaters Navigation Act, 1092 and the Canals and Public Ferries Rules, 1917 issued under the Canals and Public Ferries Act, 1890 shall govern this licence.

2. The irrigation work and the irrigation work area shall be under the sole and absolute ownership, control, management and supervision of the Irrigation Department and its officers.

3. The licensee shall comply with all instructions/directions issued from time to time by the Irrigation Officer and the Custodian Officer of the reservoir (where licence is granted for navigation in a reservoir).

4. The licensee shall be responsible, bound and liable in respect of all matters coming under the Inland Vessels Act and the Kerala Inland Navigation Rules, 2010 to the competent officers of the Coastal Shipping and Inland Navigation Department and Port Department. The Irrigation Officer and Custodian Officer shall ensure whether the provisions of the Inland Vessels Act and the Kerala Rules issued thereunder have been complied with by the vessel allowed for navigation. In case of doubt or complaint on any matter regarding the vessel, the Irrigation Officer or

Custodian Officer shall seek the assistance of the competent officers of the Coastal Shipping and Inland Navigation Department/Port Department and take appropriate decision. The licensee shall comply with such decision.

5. The safety of the vessel, its staff and persons using the same shall not be the responsibility or liability of the Irrigation Officer or Custodian Officer. These matters shall be the responsibility and liability of the Coastal Shipping and Navigation Department and Port Department.

6. The Government shall from time to time by order fix such other conditions as they deem necessary for the safety of the vessel, its staff and persons using the same, which the licensee shall duly comply upon instructions by the Government, Irrigation Officer or Custodian Officer.

7. Where the Government is of the opinion at any time that continuance of this licence may or is likely to defeat the intention of any of the provisions of the the Kerala Irrigation and Water Conservation Act, 2003 and the rules made thereunder, the licence may be cancelled at such time. The licensee shall not have any claim or right thereafter in respect of all matters covered by this licence. The Irrigation Officer or Custodian Officer shall take all consequential steps upon such cancellations.

8. The Government shall fix by order the navigable channels, the number of vessels and the nature and type of the vessels that may be permitted to conduct navigation in consultation with the competent officers of the Irrigation Department, Coastal Shipping and Inland Navigation Department and Port Department. Navigation shall be permitted only accordingly.

9. The Government shall fix the points from which navigation shall be commenced and terminated, which the licensee shall always comply.

10. The Government shall fix the boarding or embarking points and places, the dis-embarking points and places, docking points and mooring points etc., which the licensee shall adhere to.

11. The Government shall by order fix the timings for navigation in consultation with the Chief Engineer (Irrigation and Administration) which the licensee shall duly comply. The timings may however be changed at any time by the Irrigation Officer or Custodian Officer for reasons to be recorded in writing with the concurrence of the Chief Engineer (Irrigation and Administration) and subject to ratification by the Government.

12. The licensee shall deposit such amount as fixed by the Government as security deposit in such form as the Government may direct. In the event of violation of any of the terms of this licence, apart from cancelling the licence, the security deposit shall also be forfeited to Government.

13. The Government may also require the licensee to insure the safety of all persons in the vessel to the satisfaction of Government, in addition to the statutory prescriptions under the Inland Vessels Act and Rules.

14. The fees other than licence fees, if any, for allowing the vessel to navigate, dock and moor shall be fixed by the Government from time to time which the licensee shall pay without fail.

15. The fees and other amounts payable by the persons using the navigating vessel shall be as fixed by the Government by order from time to time which shall be displayed at a conspicuous place at the entrance of the vessel and which alone shall be collected.

16. All the persons allowed to undertake navigation including the staff of the vessel shall disclose all articles available with them to the Irrigation Officer or Custodian Officer and such other officers of the Irrigation Department authorised by the Chief Engineer (Irrigation and Administration) before entering the vessel. Only those articles permitted by such officers shall be carried by any person into the vessel during navigation.

17. All the persons before being allowed to undertake navigation including the staff of the vessel shall prove their identity by record to the Irrigation Officer or Custodian Officer and/or such other officers of the Irrigation Department authorised by the Chief Engineer (Irrigation and Administration).

18. The property, structures, bunds, appurtenants and the like belonging to the Irrigation Department shall not be used by the licensee without written permission of the Irrigation Officer or Custodian Officer. Any damage to any of the above identified by the Irrigation Officer or such other officers of the Irrigation Department authorized by the Chief Engineer (Irrigation and Administration) as caused by the licensee shall be the liability of the licensee.

19. Pollution or environmental damage shall not be caused to the irrigation work and area. Any material likely to cause pollution or environmental damage according to the Irrigation Officer or Custodian

Officer and such other officers of the Irrigation Department authorised by the Chief Engineer (Irrigation and Administration) shall not be carried or used during navigation by any person in the vessel including staff and passengers. The Irrigation Officer and/or Custodian Officer and such other officers of the Irrigation Department authorised by the Chief Engineer (Irrigation and Administration) shall direct the licensee to stop navigation if he is of the opinion that activities of the licensee will cause or is likely to cause pollution or environmental damage. The licensee shall comply with such directions.

20. All instructions and directions of the Irrigation Officer or Custodian Officer and such other officers of the Irrigation Department authorized by the Chief Engineer (Irrigation and Administration) given from time to time shall be strictly complied with. Failure of compliance on the part of the licensee shall entail cancellation of this licence.

21. The Irrigation Officer or Custodian Officer and such other officers of the Irrigation Department authorised by the Chief Engineer (Irrigation and Administration) shall have the right to direct the licensee to stop navigation at any time for specific reasons. The licensee shall thereupon stop navigation without raising any claims. However, the Government of Kerala shall have the right to overrule this action, by order, for reasons to be recorded in writing.

22. The Government of Kerala shall have the right to cancel this licence at any time by order for reasons to be recorded in writing. The licensee shall agree to such action without raising any claim or objection.

23. Violation of any of the obligatory actions on the part of the licensee mandated in this licence would entail stoppage of navigation by the Irrigation Officer or Custodian Officer and such other officers of the Irrigation Department authorised by the Chief Engineer (Irrigation and Administration) and consequential cancellation of licence by the Government.

*Secretary to Government,
Water Resources Department,
Government of Kerala.*

(Office seal)

SCHEDULE V
PERMIT
(See Section 5 & Rule 5A)

This Permit is hereby granted to.....(here enter name and address of the permit holder) for constructing, installing, fixing or laying any structure over, across, along or inside an irrigation work (here enter name of irrigation work) upon the following terms and conditions.

Terms and Conditions

1. The permit holder is hereby allowed to construct/install/fix/lay (here enter details of the structure and place) over/across/along/inside the.....(here enter name of Irrigation work) under his supervision, responsibility and liability as per the plan/drawings/design approved by the Chief Engineer (Irrigation and Administration) and appended to this permit (enclose details of the approved structure and plan, design and drawings of the structure) at his sole expense.

2. Constructing/installing/fixing/laying of the structure over/across/along/inside an irrigation work will be allowed only in the specified area i.e. area (here specify the area where construction/installation/ fixing/laying of structure is permitted).

3. The permit holder and his workmen will be allowed to construct/install/fix/ lay any structure over, across, along or inside an irrigation work only with the previous permission of the Irrigation Officer and Custodian Officer of the irrigation work.

4. The permit holder and his workmen shall submit proof of identity to the Irrigation Officer and Custodian Officer before commencing the work of the structure.

5. The permit holder shall commence the work and complete the work within the period specified by the Irrigation Officer. The permit holder shall be liable to prove to the satisfaction of the Irrigation Officer and Custodian Officer that the structure is being constructed/ installed/ fixed/ laid as per the approved plan, design and drawings of the structure at all times. On completion of the work it shall be the duty and

liability of the permit holder to prove that the structure has been constructed/installed/fixd/laid as per the approved plan, design and drawings of the structure. The date of commencement of the work and date of completion of the work shall be communicated to the Irrigation Officer and Custodian Officer.

6. The permit holder shall use, operate, maintain, repair and man the structure in accordance with the directions of the Irrigation Officer and Custodian Officer at all times.

7. The structure shall be deemed to be a temporary structure at all times and therefore validity period is not specified.

8. Where it is found by the Chief Engineer (Irrigation & Administration), Thiruvananthapuram that it is necessary in public interest or for such other valid reason that the structure has to be demolished/dismantled/removed, the permit holder shall be given due notice of thirty days. Upon receipt of the notice, the permit holder shall act according to the directions contained in the notice. Where the permit holder does not act in accordance with the directions contained in the notice, the Chief Engineer (Irrigation & Administration), Thiruvananthapuram may demolish/dismantle/remove the structure at the cost of the permit holder. The permit holder shall reimburse the cost expended towards this. Where the permit holder do not reimburse the cost within such period specified, the cost so fixed shall be recovered from the permit holder in accordance with the provisions of the KRR Act as if it were arrears of public revenue due on land.

9. The safety of the structure and all claims whatsoever arising out of the structure shall always remain as the liability of the permit holder.

10. The property, structures, bunds, appurtenants and the like belonging to the Irrigation Department shall not be used by the permit holder without the written permission of the Irrigation Officer and Custodian Officer. Any damage to any of the above, identified by the Irrigation Officer and Custodian Officer shall be treated as caused by the permit holder and accordingly treated as his sole liability.

11. Pollution or environmental damage shall not be caused to the Irrigation work and its area. Any material likely to cause pollution or environmental damage according to the Irrigation Officer and Custodian Officer, shall not be used or disposed by the permit holder. The Irrigation Officer and Custodian Officer, shall be entitled to direct the permit holder

to stop the work if he is of the opinion that activities of the permit holder will cause or is likely to cause pollution or environmental damage. The permit holder shall duly comply with such directions.

12. The safety of the permit holder and the articles that he uses vests solely with them. The Irrigation Department and its officers shall not be liable for any incident arising out of this permit.

13. All instructions or directions of the Irrigation Officer and Custodian Officer given from time to time shall be strictly complied with. Failure of compliance on the part of the permit holder shall entail cancellation of this permit.

14. The Irrigation Officer and Custodian Officer shall have the right to direct the permit holder at any time to stop the work on the structure for specific reasons with the concurrence of the Irrigation Officer.

15. Where it is found, during execution that the approved plan or drawings or design requires change or modifications, the same shall be brought to the consideration of the Chief Engineer (Irrigation & Administration), Thiruvananthapuram, whose decision thereon shall be final.

16. The Chief Engineer (Irrigation & Administration), Thiruvananthapuram shall have the right to cancel this permit or modify the permit at any time, by order, for reasons to be recorded in writing, which the permit holder shall duly agree.

17. Any dispute or clarification covering this agreement shall be referred to the Chief Engineer (Irrigation & Administration), Thiruvananthapuram whose decision thereon shall be final.

18. This permit enabling the permit holder to construct or install or fix or lay the structure over or across or along or inside the irrigation work does not waive or stop the permit holder from obtaining permission or sanction or order or license etc., from any other authority under any other statute for the time being in force.

Place:

Date:

SCHEDULE VI
AGREEMENT
(See Section 5 of Rule 5A)

This AGREEMENT is executed on this the day of BETWEEN Sri (here enter name, age and address of the applicant) (hereinafter referred to as 'the applicant', which shall include his heirs, successors and assigns AND the Governor of Kerala represented by the Superintending Engineer of the(which shall include his successors in office) (hereinafter referred to as the 'Government');

WHEREAS, the applicant has requested the Government for a permit to construct/install/fix/lay (here enter details of the structure and place) over/across/along/inside the.....(here enter name of irrigation work) under his supervision, responsibility and liability as per the plan/drawings/design approved by the Superintending Engineer of the and appended to this agreement (enclose details of the approved structure and plan, design and drawings of the structure.)

AND WHEREAS the Government have granted permit (which shall form part of this agreement as if incorporated herein) to the applicant to construct/install/fix/lay(here enter details of the structure and place) over/across/along/inside the (here enter name of Irrigation work) as per (here enter details of the permit).

NOW, this Agreement witnesses, and the parties hereto mutually agree as follows:—

1. The Kerala Irrigation and Water Conservation Act, 2003 and the rules made thereunder (hereinafter referred to as the 'Act and Rules') shall govern this Agreement except the conditions hereinafter appearing.

2. The applicant hereby agree that he would faithfully and truly comply and agree with all the terms and conditions in the permit without raising any objections at any time.

3. The applicant hereby agree that the Government may cancel the permit and terminate this agreement for any violation or non-compliance of the conditions in the permit without raising any claims or objections.

4. The terms and conditions of the permit shall form part and parcel of this agreement.

In WITNESS WHEREOF, the parties hereto, Sri and Sri/Smt. have set their hands on the day, month and year first above written.

Signed by.....

Signed by.....

In the presence of witness:

In the presence of witness:

1) Signature,

1) Signature

Name:

Name:

Designation:

Designation:

2) Signature

2) Signature

Name:

Name:

Designation:

Designation: ..

By order of the Governor,

TOM JOSE,

Additional Chief Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

The Subordinate Legislation Committee of the 12th Kerala Legislative Assembly in its 11th report has communicated its observations and recommendations on the Kerala Irrigation and Water Conservation Rules, 2005 after scrutiny and directed the Government to take action including amendment of the rules. Government have examined the matter in detail and decided to amend the rules so as to carry out the suggestions of the Committee. On detailed examination, Government have found that certain further amendments have to be incorporated along with the suggestions of the Committee. It was also found that certain further amendments, not proposed by the Committee, have also to be made in the rules to meet the present day requirements for implementing the objects of the Act.

This notification is intended to achieve the above objects.