

GOVERNMENT OF JAMMU & KASHMIR.
CIVIL SECTT: PHE, I&FC DEPARTMENT.

NOTIFICATION

Jammu, the 24th January, 2011

SRO 30 .- In exercise of the powers conferred by section 197 of the Jammu and Kashmir Water Resources (Regulation and Management) Act, 2010, the Government hereby make the following rules, namely:-

CHAPTER-I

PRELIMINARY

1. Short title and commencement.- (1) These rules may be called the Jammu and Kashmir Water Resources (Regulation and Management), Rules , 2011.

(2) They shall come into force on the date of their publication in the Government Gazette.

2. Definitions.- In these rules, unless the context otherwise requires,-

- (i) 'Act' means the Jammu and Kashmir Water Resources (Regulation and Management) Act, 2010;
- (ii) 'Authority' means the Jammu and Kashmir Water Resources Regulatory Authority established under section 139 of the Act;
- (iii) 'Chairperson' means the Chairperson of the Authority;
- (iv) 'Chief Engineer' means-
 - (a) the Chief Engineer incharge PHE in respect of drinking water supply and ground water; and
 - (b) the Chief Engineer incharge Irrigation and Flood Control in respect of irrigation, flood control and embankments.

- (v) 'form' means the form appended to these rules;
- (vi) 'licensing authority' means-
 - (a) in relation to clause (a) of sub-section (1) of section 91, the Government; and
 - (b) in relation to clauses (b) to (e) of sub-section (1) of section 91, the Chief Engineer concerned.
- (vii) 'Member' means the member of the Authority;
- (viii) 'schedule' means the schedule appended to these rules;
- (ix) 'Secretary' means the Secretary of the Authority;
- (x) 'section' means the section of the Act;
- (xi) words and expressions used in these rules but not defined herein shall have the same meaning as are respectively assigned to them in the Act.

3. Prohibition of certain acts affecting the water works utilities.- No person shall-

- (a) remove, alter, injure, damage or in any way interfere with the demarcated water works utilities.
- (b) carry on within the vicinity of a water works utility any operation of manufacture, trade or agriculture or do any act whereby injury may arise to any such water works or whereby the supply of any such water works may be fouled, polluted or rendered less wholesome:
- (c) cause or suffer to percolate or drain into or upon any water works utility anything whereby the water therein may in any way be fouled or polluted, or its quality or flow altered.
- (d) cause or allow to enter any animal into such water works utility;
- (e) throw or put anything into or upon the water in such works;
- (f) bathe or wash clothes in such water works utility; or

(g) do any other act which the Government may, by notification, prohibit.

4. Prohibition on construction over water works utilities.- (1) No building, wall, fence or any other structure shall be erected, re-erected or constructed on or over any water works utility. In case the construction of any structure, wall or fence on or over a water works utility is unavoidable, the owner or occupier of the land or premises may apply to the Chief Engineer for grant of permission for such construction.

(2) On receipt of application under sub-rule (1) the Chief Engineer shall seek a report from the Executive Engineer concerned alongwith estimates involved for shifting of the utility and, after examination/satisfying himself about the feasibility of shifting such utility, shall pass an appropriate order for grant of, or refusing to grant, such permission.

(3) If the Chief Engineer grants permission for construction on or over a water works utility requiring shifting of the utility, the cost of shifting such utility shall be fully borne by the applicant.

CHAPTER-II

DRINKING WATER SUPPLY

PART-A

Water for domestic use

5. Application for water connection for domestic use.- (1) The owner or occupier of a premises may apply to the Executive Engineer concerned for supply of water from the distribution pipe by submitting an application in form-I accompanied by the following documents:-

(a) a fee of Rs. 200/- in the shape of a demand draft favouring the Executive Engineer concerned or in cash;

- (b) proof of ownership or occupancy of the premises for which the water connection is required; and
- (c) an affidavit duly attested by the first class Magistrate to the effect that the applicant shall abide by the provisions of the Act and all rules and regulations made thereunder and other terms and conditions subject to which the water connection is granted.

(2) The Executive Engineer shall forward the application to the Assistant Executive Engineer incharge of the area for a feasibility report.

(3) The Assistant Executive Engineer incharge of the area shall, after making a site inspection and examining the feasibility of such connection, submit specific recommendations to the Executive Engineer for grant or refusal of water connection to the applicant and also-

- (a) furnish estimated cost for the installation of such water supply connection including the cost of key material, flow-meter, labour, and all allied items of work ; and
- (b) certify that the grant of such water connection to the applicant is not:-
 - (i) inconsistent with State Water Policy and Plan;
 - (ii) likely to create a water shortage in the area;
 - (iii) likely to create a health nuisance;
 - (iv) likely to adversely affect other lawful users of the water resource;
 - (v) likely to damage the water resource or its environment;
 - (vi) incompatible with other uses of such water in the adjoining area; and
 - (vii) inconsistent with the provisions of the Act or rules and regulations framed thereunder.

(4) On the basis of the feasibility report/recommendations made under sub-rule (3), the Executive Engineer may grant permission for the installation of water supply connection in the premises of the applicant after

allotting a number to be called as Water Supply Installation Number (WSIN) within a period of 30 days from the date of receipt of application or within 10 days from the date of receipt of report under sub-rule (3), as the case may be, subject to the condition that the applicant shall deposit:-

- (a) the total estimated cost assessed under clause (a) of sub-rule (3) for the installation of water supply connection in the divisional chest; or
- (b) the cost of skilled labour and bear at his own expenses the cost of unskilled labour, key material, flow-meter, labour, and all allied items of work required in the installation of such water connection provided the key material and the flow-meter is of ISI Mark.

6. **Agreement.**- On grant of water supply connection, the applicant shall execute an agreement with the Executive Engineer in form-II undertaking to abide by and adhere to all the terms and conditions contained therein.

7. **Validity of connection.**- If the applicant to whom a water supply connection has been granted fails to get his connection installed within 6 months from the date of grant of connection, such connection shall be deemed to be inoperative and the applicant shall have to apply afresh for getting a water supply connection.

8. **Installation of Meter.**- (1) The Executive Engineer shall cause to install flow-meter of ISI mark at appropriate point on every water supply connection for recording the quantity of water used by the consumer.

(2) The Executive Engineer may also direct a consumer to bear the cost of such flow-meter and subsequently adjust such cost in the water usage charges payable by him.

9. **Water usage charges.**- Till the water usage charges are fixed by the Authority under the Act, a consumer shall be liable to pay water charges as per the existing rates.

10. **Preparation of demand note for water usage charges and service thereof.**- The Assistant Executive Engineer incharge of an area shall prepare a record of water used by consumers of that area and the water usage charges

for such consumption payable by each consumer in form-III A or form III B, as the case may be, and serve a demand note on each such consumer twice a year on first April and first October every year with a copy the Executive Engineer for record.

11. Deposit of water usage charge.- On receipt of the demand note served upon him by the Assistant Executive Engineer under rule 10, the consumer shall deposit the water usage charges in the sub-division office against a proper receipt and the Assistant Executive Engineer shall, at the end of each day or in the morning of the next working day, remit the amount in the divisional chest.

12. Connection from main line.- Ordinarily no water connection shall be given from the main supply line. However, the Chief Engineer may, on the recommendation of Superintending Engineer, grant ½ to 1 inch dia water supply connection from the main supply line of less than 6 inches dia in exceptional cases for installation of fire fighting equipments and providing water supply to district hospitals or other vital installations of the Government:

Provided that water utilized for firefighting purposes shall be free of cost.

13. Cutting of water supply connection.- The Executive Engineer shall cause cutting of water supply to any premises or may turn off such supply on any of the following grounds:-

- (a) if, after the receipt of a written notice from the Assistant Executive Engineer concerned requiring him to refrain from so doing, the owner or occupier of the premises continues to use the water or to permit the same to be used in contravention of the Act or the rules and regulations framed there under:
- (b) if pipe, tap, work or fitting connected with the supply of water to the premises is found, on inspection in this behalf, to be damaged or out of repair to such an extent so as to cause waste or contamination of water and immediate prevention is necessary:

- (c) if there is any water-pipe situated within the premises to which no tap or other efficient means of turning off the water is attached;
- (d) if, by reason of a leakage in the pipe or fitting, damage is caused to the public street and immediate prevention is necessary: or
- (e) if the owner of the premises refuses or fails to pay, for a period of one month after he has been served with a notice of demand, water charges on account of water consumed in the premises.

14. Restoration of water supply connection.- (1) When the water supply has been cut off or turned off under rule 13, the Executive Engineer may, after obtaining an affidavit duly attested by the first class Magistrate from the owner or occupier of the concerned premises to the effect that he/she shall make good the lapse and desist from doing so in future, or in case of any damage or leakage, after the same has been repaired or plugged, or in case of default in payment of water usage charges, after the outstanding dues have been cleared, restore the water supply to the premises:

Provided that in case of further default or lapse, the water supply connection shall be cut off and its further restoration shall be treated as a case of new water supply connection:

Provided further that if the owner or occupier of the premises provides sufficient proof that the premises was locked for a particular period and that water was not used by him during such period, he shall not be required to pay water charges for that period.

PART-B

Water for commercial use

15. Application for water connection for commercial use.- (1) The owner or occupier of any premises or a commercial unit may apply to the Chief Engineer concerned by submitting an application in form-IV for grant

of water supply connection for any use other than the domestic use including commercial use accompanied by the following documents:-

- (a) a fee of Rs. 500/- in the shape of a demand draft favouring the Chief Engineer concerned or by way of cash;
- (b) proof of the ownership or occupancy of the premises or commercial unit for which the water connection is required;
- (c) an affidavit duly attested by the first class Magistrate to the effect that the applicant shall abide by the provisions of the Act and the rules and regulations made thereunder and also such other terms and conditions subject to which the water supply connection is granted;
- (d) the purpose for which the supply of water is required; and
- (e) the quantity of water likely to be consumed in connection therewith.

(2) The Chief Engineer shall forward the application to the Executive Engineer incharge of the area for a feasibility report.

(3) The Executive Engineer incharge of the area shall, after making a site inspection and examining the feasibility of such connection, submit specific recommendations to the Chief Engineer for grant of, or refusal of, water connection to the applicant and also-

- (a) furnish estimated expenditure involved for the installation of such water supply connection including the cost of key material, flow-meter, labour, and all allied items of work ; and
- (b) certify that the grant of such water connection to the applicant is not:-
 - (i) inconsistent with State Water Policy and Plan;
 - (ii) likely to create a water shortage in the area;
 - (iii) likely to create a health nuisance;
 - (iv) likely to adversely affect other lawful users of the water resource;
 - (v) likely to damage the water resource or its environment;

(vi) incompatible with other uses of such water in the adjoining area;
and

(vii) inconsistent with the provisions of the Act or rules and regulations framed thereunder.

(4) On the basis of the feasibility report/recommendations made under sub-rule (3), the Chief Engineer may grant permission for the installation of water supply connection in the premises or commercial unit of the applicant after allotting a Water Supply Installation Number (WSIN) within a period of 30 days from the date of receipt of application or within 10 days from the date of receipt of report under sub-rule (3), as the case may be, subject to the condition that the applicant shall deposit:-

(a) the total estimated cost assessed under clause (a) of sub-rule (3) for the installation of water supply connection in the divisional chest; or

(b) the cost of skilled labour and bear at his own expenses the cost of unskilled labour, key material, flow-meter, labour, and all allied items of work required in the installation of such water connection provided the key material and the flow-meter is of ISI Mark.

16. Agreement.- On grant of water supply connection, the applicant shall execute an agreement with the Chief Engineer in form-V undertaking to abide by and adhere to all the terms and conditions contained therein.

17. Installation of Meter.- (1) The Executive Engineer of the concerned area shall cause to install flow-meter of ISI mark at appropriate point on every water supply connection for recording the quantity of water used by the consumer.

(2) The Executive Engineer may also direct a consumer to bear the cost of such flow-meter and subsequently adjust such cost in the water usage charges payable by him.

18. Water usage charges.- Till the water usage charges are fixed by the Authority under the Act, a consumer shall be liable to pay water charges for the use as per the existing rates

19. Validity of connection, installation of meters, deposit of water charges, cutting of supply and re-connection etc.- The provisions of rule 7, 8 and 10 to 14 relating to validity of connection, installation of meters, service of demand note, deposit of water usage charges, connection from main line, cutting of water supply and re-connection thereof shall apply mutatis mutandis in respect of water supply connection for uses other than domestic use under this part.

CHAPTER III

Irrigation and Flood Control

20. Prohibition on use of water from irrigation work without permission.- (1) No person shall use water for irrigating his lands or fields from any irrigation work by installation of pumps set or any electrical or mechanical device without proper permission from the Executive Engineer concerned or an officer authorized by him in this behalf.

(2) Any person who uses water without such permission shall be liable to penalty under the Act for such unauthorized use.

21. Water usage charges for use of water for irrigation purposes.- (1) Every person using water for irrigation purposes from an irrigation work owned and maintained by the Government or from any water source shall be liable to pay such water usage charges as may be fixed by the Authority under section 128 of the Act.

(2) Till the water usage charges are fixed by the Authority under section 128 of the Act, a user shall be liable to pay the water usage charges for irrigation purposes as per the existing rates.

22. Regulation of water supply from irrigation work.- The Assistant Executive Engineer concerned shall notify in respect of each irrigation work-

- (a) the area under the irrigable command of such irrigation work;
- (b) the time of letting out water for irrigation;

- (c) the period of supply;
- (d) the quantity of supply; and
- (e) the time of supply to different areas.

23. Application for permission to use water from an irrigation work.-

(1) Any person desiring to have supply of water from an irrigation work for irrigating lands not included in an area to which supply is regulated under rule 22 shall make an application to that effect in form-VI to the Assistant Executive Engineer concerned indicating the extent of lands to be irrigated and the irrigation work from which the supply is required, accompanied with a non-refundable fee of Rs. 200/- in the shape of demand draft in favour of Executive Engineer or cash receipt of equivalent amount from divisional chest.

(2) The Assistant Executive Engineer shall, after being satisfied that such supply can be made without detriment to the supply of water to the lands already included in the irrigation work, make a provisional order for supply of water for a period not exceeding six years subject to payment of water usage charges by the beneficiary in the manner as provided in rule 21.

(3) The provisional permission granted under sub-rule (2) may be made permanent on the request of the beneficiary by the Executive Engineer in accordance with sub-section (2) of section 58 of the Act.

24. Prohibition on sowing, cultivating or growing certain crops in the irrigation area.-

(1) After a declaration is made by the Executive Engineer in consultation with Chief Agriculture Officer under sub-section (1) of section 62 identifying the kind of crops that should be sown, planted or grown on lands under the command area of an irrigation work and after a notice to that effect is given by the Assistant Executive Engineer concerned, no person shall sow, plant or grow any crop in the irrigable command area other than the crops specified in such declaration or notice.

(2) The Assistant Executive Engineer shall cut off the supply of water to any person who sows, plants or grows any unauthorized crop in the irrigable command area and shall also ensure that such person is proceeded against in accordance with the provisions of the Act for contravention of the Act.

25. Restriction on construction of Wells.- (1) If a notification has been issued by the Government under sub-section (4) of section 24 of the Act restricting the construction of wells in any area specified therein, the Assistant Executive Engineer shall, by a public notice affixed at conspicuous places or by announcements through public address system in the said area or such other mode as he may deem fit, inform the general public about such restrictions and also ensure that no well is constructed in the said area without obtaining prior permission from the Executive Engineer concerned.

(2) Any person intending to construct a well for purposes other than exclusive domestic use, either on personal or community basis, in the restricted area shall apply in form-VII to the Executive Engineer concerned for obtaining permission for such construction. The application shall be accompanied by the following documents, namely:-

- (a) a fee of Rs. 500/- in the shape of a demand draft favouring the Executive Engineer concerned or by way of cash;
- (b) proof of the ownership or occupancy of the premises where well is proposed to be constructed;
- (c) an affidavit duly attested by the first class Magistrate to the effect that the applicant shall abide by the provisions of the Act and the rules and regulations made thereunder and also such other terms and conditions subject to which the permission for construction of well is granted; and
- (d) the purpose for which the well is to be constructed.

(3) The Executive Engineer shall forward the application to the Assistant Executive Engineer incharge of the area for a feasibility report.

(4) The Assistant Executive Engineer shall, after making a site inspection and examining the feasibility of such well, submit specific recommendations to the Executive Engineer for grant of, or refusal of, permission and also certify that the grant of such permission to the applicant will not adversely affect the existing irrigation work or any proposed work in such area.

(5) On the basis of the feasibility report/recommendations made under sub-rule (4), the Executive Engineer may grant permission for the construction of well to the applicant.

26. Preparation of scheme for water/field channels.- (1) On receipt of an application from any owner or occupier of any land or field for preparation of a scheme under section 32 of the Act or if he considers it necessary to prepare such scheme, the Executive Engineer shall direct the Assistant Executive Engineer concerned to conduct necessary survey and investigation of the source of water and the land likely to be irrigated by such scheme.

(2) After considering inspection report of Assistant Executive Engineer, the Executive Engineer shall prepare a scheme setting out the estimated cost thereof, the re-alignment of any water channel, the site of the outlet, the particulars of the owners or occupiers or the persons to be benefitted by such scheme with a sketch plan of the area proposed to be covered by the scheme.

(3) The scheme prepared under sub-rule (2) shall be published in at least two local daily newspapers and also displayed on a notice board in the Panchyat Ghar of the area likely to be benefitted or affected by such scheme for inviting objections and suggestions within thirty days from the date of its publication.

(4) After considering the objections and suggestions, if any received, and also the recommendation of the Assistant Executive Engineer thereon, the Executive Engineer shall approve the scheme as it was originally published or in such modified form as he may consider fit. Such scheme shall, subject to any modification/revision that may be made by the Superintending Engineer under sub-section (3) of section 33 of the Act, be final.

(5) The Executive Engineer shall thereafter take further steps for acquisition of land in accordance with the provisions of section 34 of the Act and implementation/execution of the scheme.

27. Maintenance of water channels.- (1) On execution of the scheme, the Executive Engineer shall, by order in writing, direct the owners, occupiers or beneficiaries to take over and maintain the water channel and on failure of any owner or occupier or beneficiary to comply with this direction, he shall make arrangements for maintenance of the water channel at the cost of such owners or occupiers or beneficiaries in proportion to the culturable commanded area under the scheme held by them.

(2) The Assistant Executive Engineer concerned shall serve a demand note indicating the expenditure incurred for maintenance of the water channel at the cost of such owners or occupiers or beneficiaries in proportion to their share of culturable commanded area requiring such owners, occupiers or beneficiaries to deposit such amount within a period of 30 days from the date of issue of such demand note.

(3) In case of failure of any owner or occupier or beneficiary to deposit his share of the amount within the stipulated time, the Executive Engineer shall cause the irrigation water supply to be cut off immediately and its restoration shall be made only after receipt of such outstanding amount including the cost of such restoration.

28. Person using water course to construct works.- (1) It shall be lawful for the Assistant Executive Engineer to issue an order to the persons using any field channel to construct, within a reasonable time specified in such order, suitable bridges or culverts or other works as approved by the Assistant Executive Engineer for the passage of the water of such field channel across any public road, canal or drainage channel in use before the said field channel was made or to repair any such works.

(2) If, after the receipt of such order, the person to whom it is addressed does not, within the specified period, construct or repair such work to the satisfaction of the Assistant Executive Engineer, he may with the approval of Executive Engineer, himself construct or repair the same, and demand the cost of construction or repairs from the defaulting person responsible for such construction or repair.

29. Protection of water channels against demolition etc.- If any person demolishes, alters, enlarge, obstructs or encroaches upon a water channel or field channel or causes any damage thereto, the Assistant Executive Engineer shall take immediate steps for restoration of the same to its original condition in accordance with the provisions of section 38 of the Act.

30. Supply of water through intervening water channel.- If any person makes an application for supply of water from an irrigation work made under section 40 of the Act, the Assistant Executive Engineer shall give notice to the persons responsible for maintenance of such field channel to show cause within seven days from the date of issue of notice as to why the said supply should not be so conveyed and after making enquiries and satisfying himself fully, the Assistant Executive Engineer shall issue an order for the conveyance of water through a such field channel under the following terms and conditions:-

- (a) the area of the land to be irrigated by such channel is already included in the Irrigation work;
- (b) the applicant shall pay the such share of the first cost of the field channel as the Assistant Executive Engineer may have determine;
- (c) the applicant shall pay the expenses of alteration of such field channel; and
- (d) the applicant shall undertake to pay his share of the cost of maintenance of such field channel so long as he uses it.

31. Transfer of field channel.- (1) Any person desiring that a field channel should be transferred from its existing owner to him shall apply in writing to the Assistant Executive Engineer, accompanied with a non-refundable fee of Rs. 1000/-.

(2) Every such application shall be disposed of and appropriate orders made in accordance with the procedure specified in sections 41 to 47 of the Act.

32. Construction and maintenance of field channels.- (1) The Assistant Executive Engineer may, either on his own motion or on the application of an owner or occupier or beneficiary, and after making such enquiries and site inspection as he may deem proper, allow construction of such field channel by passing an order indicating the exact location of sluices or outlets on the irrigation work and specifying the area of irrigable land to be served.

(2) Such field channel shall be constructed by the owner or occupier or beneficiary at his own cost within the given time frame and shall be maintained by such owner or occupier or beneficiary at his own cost.

(3) If such owner or occupier or beneficiary fails to construct the field channels in his land within the specified time, the Assistant Executive Engineer may, after giving the owner or occupier a reasonable opportunity of being heard, construct the field channel at the cost of the Government and recover the cost plus 15% of the actual cost as penalty from such owner or occupier or beneficiary.

33. Preparation of schemes in culturable commanded area.- Every scheme for on-form development in cultural command areas shall be made and executed in accordance with section 51 of the Act.

34. Removal of encroachments and obstructions over irrigation/flood control works.- The Executive Engineer incharge of an area shall ensure that all encroachments and obstructions over or upon irrigation or flood control works in such area are removed immediately on being noticed or on being informed about such encroachment or obstruction in accordance with the provisions of sections 52 and 53 of the Act.

35. Preparation of scheme for drainage works.- (1) After issuance of notification under section 54 (1) of the Act for construction of a drainage work, the Executive Engineer have a scheme prepared by the Assistant Executive Engineer.

(2) The Assistant Executive Engineer shall, after preparation of the draft scheme, notify the same by a public notice affixed at conspicuous places in every village covered by such scheme for inviting objections, if any, from the public indicating therein the following information:-

- (a) particulars of the owners or occupiers to be benefited;
- (b) cost involved on the drainage scheme; and
- (c) sketch plan of the area proposed to be benefited under the scheme.

(3) After consideration of objections, if any filed, the Assistant Executive Engineer shall recommend the scheme to the Executive Engineer for approval.

(4) The Executive Engineer may either approve the scheme as recommended by Assistant Executive Engineer or in such modified form as he may consider fit.

(5) The Superintending Engineer may, at any time or on an application made by any person aggrieved by the scheme approved under sub-rule (4) within a period of thirty days from the date of publication of the scheme, revise or annul the scheme so approved after affording the person affected an opportunity of being heard.

36. Scheme for field drains.- For preparation of a field drain, the Assistant Executive Engineer shall follow the procedure laid down in rules 26 to 30.

37. Plying of boat or vessel.- (1) Any person desiring to ply a boat or vessel in a reservoir, pond, tank, river, stream, nallah, cannal or any other water course shall apply to the Chief Engineer in form-VIII accompanied by:-

- (a) a fee of Rs. 1000/- (non refundable);
- (b) type of the material used for the construction of the boat or vessel (wooden or any other material);
- (c) size of the boat or vessel;
- (d) capacity of the boat or vessel (number of passengers including crew or weight of goods and crew);
- (e) mode of operation of the boat or vessel (manual or mechanically driven);
- (f) purpose of plying the boat or vessel (Water taxi/trading);
- (g) period of operation of boat or vessel; and
- (h) certificate of fitness of the boat or vessel (issued by the competent authority).

(2) The Chief Engineer, after the receipt of application under sub-rule (1) shall seek a report from the Executive Engineer concerned and after considering such report and making such enquiries as he may deem proper, the Chief Engineer may grant permission to the applicant specifying therein the following-

- (a) the name and address of the person in whose favour permission is granted;
- (b) the area of operation;
- (c) the make of the boat or vessel for which permission is granted and its size;
- (d) the capacity of the boat or vessel;
- (e) the purpose for which the permission is granted (Water taxi/trading);
- (f) the timing of plying the boat or vessel;
- (g) the monthly fee payable by the person in whose favour the permission is granted; and
- (h) other terms and conditions subject to which such permission is granted.

38. Extraction of water from irrigation work by installation of a pump set or other electrical or mechanical device.- (1) Any person may apply to the Executive Engineer for grant of permission to extract water for any purpose by the installation of a pump set or other electrical or mechanical device from any irrigation work in form-IX accompanied by-

- (a) a fee of Rs. 1000/- (non refundable);
- (b) the purpose for which water is required to be extracted;
- (c) the quantity of water to be extracted;
- (d) the manner of extraction (manual, mechanical or electrical); and
- (e) the period of extraction.

(2) The Executive Engineer, after the receipt of application under sub-rule (1), shall seek feasibility report from the Assistant Executive Engineer, and after satisfying himself upon the report of the Assistant Executive Engineer that such extraction of water shall affect the functioning of the Irrigation work, the Executive Engineer shall grant permission to the applicant subject to payment of such fee as he may determine depending upon the device used for extraction and the quantity of water permitted to be extracted.

(3) The Executive Engineer shall be at liberty to stop the extraction of water at any time if he feels that such extraction is likely to adversely affect the Irrigation work.

39. Prohibition on deposition of material or waste near an irrigation work or a water channel.- (1) No person shall deposit any material or waste in or near any irrigation work or water channel or field drain or any other work feeding an irrigation work.

(2) If any person deposits any material or waste in or near such work or channel, the Assistant Executive Engineer shall, by a notice, direct such person to remove such material or waste within the time specified in such notice.

(3) In case such person fails to remove the material or waste within the specified time, the Assistant Executive Engineer shall cause such material or waste removed at the cost of the person concerned together with such penalty as the Assistant Executive Engineer may fix in this behalf, which shall be recoverable from such person as arrears of land revenue.

40. Notification of flood basin.- After notification of an area as flood basin under section 79 of the Act, the Chief Engineer, Irrigation and Flood Control shall cause a public notice exhibited at conspicuous places in the flood basin area for information of general public specifying therein the boundaries of the basin and the prohibitions and restrictions on use of land covered by the basin. Such notices shall also be individually given to the owners and occupiers of the land in the basin area.

41. Superintendence and control of embankments.- The Chief Engineer Irrigation and Flood Control, or subject to his approval, the Executive Engineer concerned shall, on apprehending a threat to the life and property of the public due to floods or apprehending such threats, cause public embankments constructed to avert such threats and if the situation so warrants also -

- (a) take charge of any embankment, including private embankment, which adjoins or connects to a public embankment;
- (b) remove any private embankment which endangers the stability of any public embankment or obstructs drainage of area;
- (c) prohibit raising of or alterations to, an embankment;
- (d) allow construction of a private embankment of approved plan and design within a specified period; or
- (e) take any other action as may be required in the public interest.

42. Extraction of bed material.- (1) A person holding a valid permission for the extraction of bed material of any kind from any water course under any law, rule or regulation for the time being in force in the State shall apply to the Executive Engineer concerned for identification of site of extraction. The said application shall be accompanied by-

- (a) a photocopy of the permission granted by the competent authority for the extraction of bed material;
- (b) the name, description and location of the river, stream, nallah or any other water course from where material is sought to be extracted;

- (c) the kind and quantity of material to be extracted;
- (d) the period during which such material is to be extracted; and
- (e) any other information as required by the Executive Engineer.

(2) The Executive Engineer shall, after making such enquiries and surveys as he may consider necessary, identify the site of extraction and allow the applicant to extract the bed material from the identified sites/locations provided that-

- (a) the extracted material is in a controlled quantity;
- (b) such extraction does not affect the flow of the water course;
- (c) such extractions does not affect the functioning of any water supply or irrigation scheme in the vicinity; and
- (d) the extracted material is extracted and lifted by the applicant simultaneously from the bed in order to ensure normal flow of water in the water course.

43. Restrictions on construction on the slopes of embankments.- (1) Save as otherwise provided in sub-rule (2), the construction of any building, railing, platform or any other structure on the slopes or top of a public or private embankment is prohibited.

(2) Any person desiring to construct any building, railing, platform or any structure on the slopes or top of a public or private embankment shall seek prior permission from the Executive Engineer concerned by submitting an application to him accompanied by a fee of Rs. 1000/- and providing the information about the site/location of the embankment, the name of the water course and the type and size of the structure proposed to be raised.

(3) The Executive Engineer shall seek a report from the concerned Assistant Executive Engineer and after considering such report or any other information that he may seek in this behalf, grant permission for raising the construction applied for on the following terms and conditions :-

- (a) that only steel and concrete shall be used for the said construction;
- (b) that the applicant shall not use the building, railing, or platform beyond the period specified in the said permission;
- (c) that the building/railing/platform shall be maintained by the applicant in a fit state;
- (d) that the applicant shall pay the yearly fee specified in the permission;
- (e) that cost of removing or demolishing the building, railing or platform shall be borne by the applicant;

- (f) that the Government shall not be responsible for any damage caused to the building, railing or platform in any manner whatsoever;
- (g) that such building, railing or platform shall be open to inspection at any time by the Executive Engineer or any officer authorized by him for the safety of the embankment or slopes; and
- (h) that the applicant shall always comply with the instructions of the Executive Engineer and carry out such works/ repairs as required by him after causing periodic inspections.

(4) In case the Executive Engineer feels that any such construction is likely to cause any damage to any embankment or the applicant fails to comply with the instructions given by Executive Engineer or fails to carry out the works/repairs as required of him, the Executive Engineer shall cause the building, railing or platform, as the case may be, demolished at the expense of the owner or occupier of such building, railing or platform.

CHAPTER- IV

Installation of a Unit.

44. Installation of Unit.- Any person intending to install a unit requiring usage of water for the purpose of generation of electricity, supply of drinking water or water for irrigation, running of water mill or exploitation of groundwater shall, after preparation of a scheme, submit the same to the Authority for approval. Every scheme shall be accompanied by-

- (a) six copies of the Detailed Project Report (DPR) with the name and address of the applicant or of his agent;
- (b) three copies, each signed by the applicant, of the maps of proposed area of service (habitations) in which the supply of water for irrigating or drinking water is to be made available and the type of scheme whether domestic, commercial, industrial or trading purposes, in case of drinking water supply or irrigation unit;
- (c) three copies, each signed by the applicant, of the maps of the proposed project site and the dam site, the dimensions of the dam, the capacity of the dam, the magnitude of water required for the project and the capacity of the project, in case of hydro-electric unit;
- (d) the source and quantity of water to be used for the proposed scheme;
- (e) the mode of execution of the scheme;
- (f) the expected life of the scheme and the modalities for its return to the state, if any;

- (g) copy of the agreement or memorandum of understanding executed with the Government;
- (h) the proof ownership/possession of land or lease deed executed with the Government;
- (i) the approximate cost of the scheme;
- (j) if the applicant is a registered company, copy of registration and the Memorandum and Articles of Association;
- (k) a treasury receipt of fee as fixed by the Authority;
- (l) copy of the no-objection certificate from the concerned Ministry of the Central Government, in case the area proposed to be covered under the scheme includes the whole or any part of a cantonment area, aerodrome, fortress, arsenal, dockyard or camp or of any building or place in the occupation of the Central Government for defence purposes; and
- (m) such other information as may be required by the Authority.

45. Contents of the DPR.- The Detailed Project Report (DPR) shall contain the following particulars-

- (a) name, address and description of the applicant, or in case of a firm or company, the names of all the directors or partners of such firm or company;
- (b) the proof of capital adequacy and credit worthiness of the applicant;
- (c) all technical details of the project;
- (d) a statement of the boundaries of the proposed areas in which the supply of water, in case of a drinking water supply or irrigation unit or the supply of energy, in case of a power generation station, is to be made available;
- (e) if the service reservoir, canal head work or power generating station is situated or is to be situated outside the area of service of water supply or supply of energy and if any intervening area not included in such areas of service is to be crossed, a list of such areas (habitations, mohallas, streets);
- (f) the proposed limits within which and the conditions under which the supply of water or supply of energy is to be made available or permissive including the nature and amount of the such supply;
- (g) other information about the unit including its estimated cost, date of execution, period of completion, the price of water/ energy proposed to be charged from the consumers and the estimated life of the project; and

(h) such other details which the Authority may from time to time require to be provided.

46. Requirement of obtaining a licence.- After approval of a scheme by the Authority under sub-section (2), or by the Government under sub-section (4), of section 92 of Act or for undertaking any activity as mentioned in section 96 of the Act, the user shall apply to the licensing authority for grant of a licence for use of water.

47. Application for licence.- Every application for a grant of licence shall be signed by or on behalf of the applicant and shall be accompanied by-

- (a) a fee of rupees five lakhs for installation of a power generating unit and rupees one lakh for other units requiring usage of water;
- (b) three copies of approval of the scheme by the Authority or the Government, as the case may be;
- (c) three sets of the printed copies of the DPR approved by the Authority or the Government, as the case may be;
- (d) three sets of the maps duly signed and dated to correspond with the date of the approval of the scheme by the Authority or the Government, as the case may be; and
- (e) three sets of the printed copies of the notification of the alternations or amendments made in the scheme or DPR as approved by the Authority or the Government, as the case may be.

48. Procedure for grant of Licence. - (1) After receipt of an application for grant of licence under rule 47, the licensing authority shall, as soon as possible, publish a notice in at least two local newspapers and one national newspaper describing the name and address of the applicant with every material detail of the scheme and invite objections from the persons who are likely to be affected by the execution of such scheme and also suggestions from general public.

(2) After considering the objections, excluding those which have already been considered and disposed off during the process of approval of the scheme by the Authority or the Government, if any and the suggestions received in response to the notice as provided in sub-section (1) and after ascertaining that-

- (a) the DPR of the applicant has been approved by the Authority or the Government, as the case may be;
- (b) the applicant complies with the requirements of capital adequacy and credit worthiness;
- (c) the applicant possess a good moral conduct and is not involved in any criminal activity,

- (d) the applicant possesses sufficient machinery and equipment required for the execution of the scheme;
- (e) the applicant owns the land on which the unit is to be installed or holds such land on a valid and subsisting lease;
- (f) the applicant has never been black listed or become insolvent;
- (g) the applicant has obtained no objection certificate from the concerned Ministry of the Central Government in case the area proposed to be covered under the scheme includes any part of a cantonment area, aerodrome, fortress, arsenal, dockyard or camp or of any building or place in the occupation of the Central Government for defence purposes,

the licensing authority may issue a licence to the licensee within three months specifying therein the following -

- (a) the works for which the licence is issued;
- (b) the source of water to be used by the licensee;
- (c) the quantity of water to be used by the licensee;
- (d) the specifications of the main components of the scheme;
- (e) the rate and amount of water usage charges to be paid by the licensee;
- (f) the period and modalities for the return of the project to the state;
- (g) the MOU executed by the licensee with the Government;
- (h) the period of validity of the licence ;
- (i) the description of the land to be used for execution of the project and its status (whether owned by the licensee or held in lease); and
- (j) the terms and conditions subject to which the licence has been granted.

49. Agreement to be executed by the licensee.- After issuance of licence under rule 48, the licensee shall execute an agreement with the licensing authority in form-X undertaking thereby to take all necessary precautions and measures for-

- (a) the safety of various components of the scheme;
- (b) protecting the life and property of the public, including the persons engaged in execution and maintenance of projects/schemes for generation of power, irrigation and water supply units, hydraulic works etc.; and
- (c) eliminating or reducing the risk of personal injury to any person or damage to property of any person during the currency of licence.

50. Requirement of licence for existing users.- (1) Every user who has installed a unit for generation of electricity or supply of water for irrigation or drinking purposes or any other hydraulic scheme requiring usage of water prior to the commencement of the Act shall, within a period of six months from such commencement, apply to the licensing authority for grant of a licence for use of water.

(2) If the user mentioned in sub-rule (1) fails to apply for and obtain a licence within the specified time, the Chief Engineer concerned forthwith stop the supply of water to his unit until and so long as he obtains a licence under these rules:

Provided that in case of a unit generating electricity or a dam, the Chief Engineer concerned shall recommend to the District Magistrate having jurisdiction over the area where such unit is located for disconnecting or stopping the water supply to the unit or for preventing the user from operating such unit until and so long as such user obtains a licence for use of water under these rules.

(3) It shall be lawful for the District Magistrate concerned to lock and seal the unit so as to prevent any operation of, or any activity in, such unit if such unit is using water without obtaining a licence from the licensing authority for such use.

51. Grant of licence to the existing users.- (1) The existing user who is required to apply for and obtain a licence under rule 50 shall apply to the licensing authority within six months from the date of commencement of the Act by submitting an application which shall be accompanied by-

- (a) a fee of rupees five lakhs for the installed power generating unit and rupees one lakh for other units requiring usage of water;
- (b) a copy of the approval of the scheme by the competent authority for the installed unit;
- (c) three copies of the maps and design of the unit;
- (d) the installed capacity of the unit and its present output;
- (e) the requirement of water usage by the unit;
- (f) the documentary proof of ownership of the land or lease hold rights over such land;
- (g) the agreement executed with the Government in case of holding the land on lease basis;
- (h) the period and modalities for the return of the project to the state, and
- (i) the MOU executed by the user with the Government.

(2) The licensing authority shall pass an order with regard to the grant of licence within a period of six months from the date of receipt of application under sub-rule (1) specifying therein the following-

- (a) the works for which the licence is issued;
- (b) the source of water to be used by the licensee;
- (c) the quantity of water to be used by the licensee;
- (d) the specifications of the main components of the scheme;
- (e) the rate and amount of water usage charges to be paid by the licensee;
- (f) the period and modalities for the return of the project to the state, if any;
- (g) the MOU executed by the licensee with the Government;
- (h) the period of validity of the licence ;
- (i) the description of the land to be used for execution of the project and its status (whether owned by the licensee or held in lease); and
- (j) the terms and conditions subject to which the licence has been granted.

(3) In case the licensing authority rejects the application for grant of licence, the aggrieved party may prefer an appeal or review petition under sub-section (4) or sub-section (5) of section 98 of the Act, as the case may be.

52. Agreement to be executed by existing users.- After issuance of licence to an existing user under rule 51, the licensee shall execute an agreement with the licensing authority in the same manner as provided in rule 49.

53. Suspension of a licence.- The licensing authority may suspend a licence issued under rule 48 or rule 51, if the licensee,-

- (a) without prior approval of the licensing authority,-
 - (i) undertakes any transaction to acquire by purchase or takeover or otherwise, the utility of any other licensee; or
 - (ii) merges his utility with the utility of any other licensee; or
 - (iii) assigns his licence or transfers his utility, or any part thereof, by sale, lease, exchange or otherwise;
- (b) fails to pay such fee and other charges as the Authority may fix for undertaking periodic inspection of the unit regarding its safety;
- (c) fails to establish a grievances cell for the redressal of grievances of the people or consumers in a time bound manner;

- (d) fails to pay compensation to the victims for any injury, loss or damage caused by or resulting from the total or partial failure or collapse of, or the escape of hazardous waste from the unit;
- (e) fails to make good the loss, injury or damage caused by or resulting from the collapse or failure of the unit to any property or infrastructure or fails to bear the expenses for re-construction or restoration of the injured, lost or damaged infrastructure;
- (f) fails to install anti-pollution measures/ instruments in the unit;
- (g) fails to comply with disaster related safety measures or building codes; or
- (h) contravenes any of the terms and conditions of licence or of format-A.

54. Notice of suspension and restoration of licence.- (1) After suspension of licence under rule 53, the licensing authority shall issue a notice to the licensee informing him about the suspension of his licence and asking him to make good the deficiency or remove the cause of suspension within a period of 60 days of such notice.

(2) On making good the deficiency or removing the cause of suspension of licence by the licensee, the licensing authority shall revoke the suspension and restore the licence of the licensee.

(3) If the licensee fails to make good the deficiency or remove the cause of suspension of licence within the specified period, the licensing authority shall revoke the licence under rule 55.

55. Revocation of licence.- (1) The licensing authority may revoke a licence on any of the following grounds:-

- (a) if the licensee, in the opinion of the licensing authority, makes willful or prolonged default in doing anything required of him by or under the Act or the rules or regulations made thereunder;
- (b) if the licensee violates any of the terms and conditions of his licence, the violation of which is expressly declared by such licence to render it liable to revocation;
- (c) if the licensee fails, within the period fixed in this behalf by the licence, or any longer period which the licensing authority may have granted therefor, to-
 - (i) show to the satisfaction of the licensing authority that the licensee is in a position to discharge fully and efficiently the duties and obligations imposed on him by his licence; or
 - (ii) deposit or furnish the security or pay the fees or other charges required by his licence;

- (d) if, in the opinion of the licensing authority, the financial position of the licensee is such that he is unable to discharge fully and efficiently the duties and obligations imposed on him by his licence; or
- (e) if the licensee fails to make good the deficiency or remove the cause of suspension of licence within the specified period under rule 54.

(2) Before revoking a licence under sub-rule (1), the licensing authority shall issue a show cause notice to the licensee informing him about the grounds on which he proposes to revoke his licence and ask him to submit his reply within a period of three months from the date of such notice. If, after considering the reply of the licensee or hearing him in person, if he so desires, the licensing authority is not satisfied with the cause shown, he shall issue an order revoking the licence forthwith.

56. Procedure for assessment of water usage charges and recovery thereof.- (1) The Assistant Executive Engineer concerned shall, on the basis of water usage data/ metre readings recorded and furnished by the Junior Engineer incharge of the area relating to the usage of the water by a user or a licensee during the half yearly period under reference, assess the water usage charges at the rates fixed by the J&K Water Resources Regulatory Authority in respect of water supplied to, or used by, such user or licensee.

(2) After making an assessment of water usage charges under sub-rule (1), the Assistant Executive Engineer shall serve a demand note upon such user or the licensee for payment of the assessed charges twice a year on first April and first October every year.

(3) If the user or the licensee is not satisfied with the assessed water usage charges in respect of water supplied to, or used by such user or the licensee, he shall apply to the concerned Executive Engineer for re-assessment within a period of 15 days from the date of service of assessment order under sub-rule (2), who may either accept the request for re-assessment and have the charges re-assessed or reject such request after giving an opportunity of being heard to the aggrieved party.

57. Disconnection of supply in case of default of payment.- (1) If any user or licensee fails to pay water usage charges due from him within the period mentioned in the demand note served under rule 56, the Assistant Executive Engineer concerned shall serve a notice to such user or licensee asking him or it to clear the outstanding charges within a specified period.

(2) If such user or licensee fails to clear the outstanding dues within the period specified in the notice served under sub-rules (1), the Assistant Executive Engineer concerned shall cut off the supply to such user or licensee until such outstanding dues, together with any expenses that may be incurred on cutting off and re-connecting the supply, are paid.

(3) Where the user or licensee is engaged in the trade of water for commercial purposes or for generation of electricity and makes a default in the payment of such water charges, the Assistant Executive Engineer with the approval of the Executive Engineer shall recommend to the District Magistrate concerned for disconnection, or stopping the supply of water to such user or licensee, or for preventing the user or licensee from operating such unit until and so long as such user or licensee clears the outstanding dues, together with any expenses that may be incurred on cutting off and re-connecting the supply of water.

(4) It shall be lawful for the District Magistrate concerned to lock and seal the unit so as to prevent any operation of, or any activity in, such unit in case of default in paying the water usage charges or other dues payable by such in respect of such unit.

CHAPTER V

Ground Water

58. Grant of permit to extract and use ground water in the notified area.- (1) Any person who desires to sink a well (other than a well fitted with a hand operated manual pump or other manual devices or a sub-surface well up to 20 metre depth), or use ground water, in any area notified by the Government under section 111 of the Act shall apply to Chief Engineer concerned in form- XI for grant of a permit for digging of such well or use of such water. Such application shall be accompanied by a fee of rupees twenty thousand and shall indicate the following information:-

- (a) the description of source of ground water, such as type of well and its location;
- (b) the purpose of using the water (whether domestic, commercial, industrial or trading purposes);
- (c) the lifting device to be employed by the applicant for extraction of water;
- (d) the quantity of water to be extracted or used;
- (e) the time and duration of such extraction or use per day;
- (f) the existence of other such users in the area; and
- (g) other details about the unit or scheme to be installed or operated by the applicant.

(2) On receipt of application under sub-rule (1), the Chief Engineer shall seek a report from the Executive Engineer concerned regarding the-

- (a) purpose for which the water is to be used by the applicant;

- (b) existence of other users in the concerned notified area;
- (c) availability of ground water in the area;
- (d) quantity of ground water to be extracted by the applicant;
- (e) long term behavior of ground water level in the area;
- (f) likelihood of adversely affecting water availability of any drinking water source in the area; and
- (g) other relevant factors as the Chief Engineer may deem fit.

(3) After considering the report of the Executive Engineer and on being satisfied that it shall not be against public interest to do so, the Chief Engineer may grant a permit to the applicant authorizing him to extract and use water subject to such terms and conditions as he may impose thereunder.

(4) If the Chief Engineer is satisfied that it shall not be in the public interest to allow extraction or use of ground water in any notified area, he may refuse to grant permission to the applicant for such extraction or use of ground water and inform the applicant accordingly within 90 days of receipt of application:

Provided that applicant shall be given an opportunity of being heard before his application for grant of permit is rejected.

59. Registration.- After grant of permission under rule 58, the Chief Engineer shall register the user/well and grant a Certificate of Registration after allotting a registration number to such user/well.

60. Registration of existing users in the notified areas.- (1) Every existing user of ground water in a notified area shall, within 120 days from the date on notification under section 111 of the Act, apply to the Chief Engineer concerned for grant of a Certificate of Registration in the manner as provided under sub-rule (1) of rule 58:

Provided that the existing user shall not be required to apply for registration if the existing well is fitted with a hand operated manual pump or other manual device.

(2) The Chief Engineer may, after seeking a report from the Executive Engineer in the manner as provided under sub-rule (2) of rule 58 and after being satisfied that it shall not be against the public interest to do so, grant a Certificate of Registration to the applicant subject to such conditions and restrictions as he may deem fit.

(3) The provisions of sub-rule (4) of rule 58 shall apply mutatis mutandis in respect of refusal of registration to an existing user.

61. Information of wells in non-notified areas.- (1) After the commencement of these rules, every person desiring sinking a well (other

than a well fitted with a hand operated manual pump or other manual devices or a sub-surface well up to 20 metre depth) in any area which is not notified under section 111 of the Act shall ordinarily inform the Executive Engineer concerned about the same with details of the well and its location.

(2) The Executive Engineer shall make a record of such information in his office.

62. Water usage charges for extraction and use of ground water.- The procedure specified in rule 56 and rule 57 shall be followed for assessment of water usage charges and recovery thereof in respect of extraction and use of ground water.

63. Registration of drilling agencies.- (1) Every drilling agency, whether owned by the Government, or any local body or a private individual shall, as soon as may be after the commencement of these rules but not later than 120 days, apply in form-XII to the Chief Engineer concerned for grant of registration. The application shall be accompanied by-

- (a) a fee of rupees ten thousand;
- (b) the name of the user agency;
- (c) the purpose of having the drilling machinery;
- (d) the description of machinery, its make, capacity and other technical details;
- (e) other information relevant to the drilling agency or sought by the Chief Engineer.

(2) After making such enquiries as the Chief Engineer may think proper, he may register the drilling agency and allot a registration number to such agency.

(3) The Executive Engineer concerned or an Assistant Executive Engineer authorized by the Executive Engineer in this behalf shall seize any drilling machine or other equipment of any drilling agency if it is not registered under sub-rule (1).

CHAPTER VI

State Water Resources Regulatory Authority

64. Composition of State Water Resources Regulatory Authority.- (1) The State Water Resources Regulatory Authority to be established under section 139 of the Act shall comprise of a Chairperson and three Members.

(2) The Chairperson shall be appointed from amongst the persons who are holding or have held a post not below the rank of Principal Secretary to Government and having adequate knowledge of, or experience in, or have shown capacity in dealing with, problems relating to engineering, finance, commerce, economics, law, administration or management.

(3) Two Members shall be appointed from amongst the persons who are holding or have held a post not below the rank of Chief Engineer and having qualification and experience in the field of Hydraulic Engineering.

(4) One Member shall be appointed from amongst persons of ability, integrity and standing having adequate knowledge of, or experience in, or have shown capacity in dealing with, problems relating to finance, commerce, economics, law or management.

65. Salary and allowances of the Chairperson and Members.- (1) The Chairperson shall be entitled to the salary and allowances which is equal to the salary and allowances payable to a Principal Secretary to Government or the pay last drawn by him when he was in Government service, whichever be higher.

(2) A Member shall be entitled to the salary and allowances which is equal to the salary and allowances payable to a Chief Engineer or the pay last drawn by him when he was in Government service, whichever be higher.

(3) If the Chairperson or Member at the time of his appointment was in receipt of a pension in respect of any previous service under the Government, his salary as Chairperson or Member, as the case may be, shall be reduced by the amount of that pension.

66. Oath of office and secrecy.- The Chairperson and Members shall, before entering upon their office, make and subscribe an oath of office and secrecy before the Chief Secretary of the State as per the Schedule.

67. Decisions of the Authority.- The Authority shall decide all matters brought before it by majority. In case of a tie, the Chairperson shall have a casting vote.

68. Officers and other employees of the Authority.- (1) The Government shall provide a Secretary and such other officers and employees to the Authority as may be required by the Authority for smooth discharge of its duties and responsibilities under the Act.

(2) The Secretary and other officers and employees of the Authority shall be entitled to the salary and other allowances in the pay scale held by them in their parent service/department.

69. Functions of the Secretary.- (1) The Secretary shall be the chief executive officer of the Authority and shall act in harmony with the

Authority and carry out the directions of the Authority, issued from time to time.

(2) All orders of the Authority shall be signed and authenticated by the Secretary.

70. Annual report of the authority.- (1) The Secretary or any other officer of the Authority duly authorized by the Authority in this behalf shall prepare in form- XIII the Annual Report on or before the 31st day of May following the financial year to which the report relates.

(2) The report so prepared under sub-rule (1) shall be placed before the Authority for approval.

(3) After the approval by the Authority, the Annual Report shall be signed and authenticated by the Secretary.

(4) Copies of the authenticated report shall be submitted by the Secretary to the Government by or before 31st of June, following the year to which the Annual Report relates.

CHAPTER VII

GENERAL

71. Complaints.- (1) A complaint under section 172 of the Act shall be made by the Chief Engineer or the Executive Engineer or the Assistant Executive Engineer concerned having the jurisdiction over the area where the offence has been committed or has occurred in form XIV.

(2) Every such complaint shall be addressed to the court of competent jurisdiction and signed by the officer making the complaint indicating all material facts and circumstances which, in the opinion of such officer, constitute the offence and shall also provide the following information:-

- (a) the person or the authority or the department or company or such other body which has or which is suspected to have committed the offence;
- (b) place of occurrence or commission the offence;
- (c) the date and time of occurrence or commission the offence;
- (d) the documentary proof, if any, in support of the complaint; and
- (e) the list of witnesses, if any, to be produced by the complainant in support of his complaint.

72. Compounding of offences/filing of complaints.- If, on inspection or on a report by any subordinate officer or on a complaint by any person, the Chief Engineer or Executive Engineer or Assistant Executive Engineer

concerned, having the jurisdiction over the area where the offence has been committed or has occurred, is satisfied that any user or licensee or any other person or authority has committed an offence punishable under the Act, he shall either compound the offence under section 181 of the Act readwith rule 73, if a request to that effect is made by the offender thereof, or file a complaint under rule 71 in the court of competent jurisdiction.

73. Authorities competent to compound offences.- (1) The following authorities shall be competent to compound offences under section 181 of the Act, namely:-

S.No	Offence	Compounding authority
(a)	Offences punishable under clauses (m) to (s) of sub-section (1) of section 156 or sub-section (1) of section 159 or sections 160 to 162 of the Act.	Assistant Executive Engineer
(b)	offences punishable under clauses (a) to (l) of sub-section (1) of section 156 or sections 163 to 165 or section 167 or section 168 of the Act.	Executive Engineer
(c)	offences punishable under sub-section (2) of section 159 or section 166 or section 174 of the Act.	Chief Engineer

(2) Every compounding authority shall, on compounding of an offence, enter the details of the offence committed, the name and address of the offender, the amount received from him for compounding the offence, the date and time of such compounding and the name and designation of the compounding authority in a book to be called the compounding book and to be maintained by authorities in form XV.

(3) After entering the details mentioned in sub-rule (2) in the compounding book, the compounding authority shall give a copy of such information to the offender and send a copy of the same to the Authority for record.

(4) The Authority shall maintain a record of compounded case and the amount received as a result of compounding of cases by different compounding authorities.

By order of the Government of Jammu and Kashmir.

Sd-

**Principal Secretary to Govt.
PHE/ I&FC Department**

THE SCHEDULE

[See Rule 66]

I, _____ having been appointed as Chairperson/ Member of the Water Resources Authority, do swear in the name of God/ Solemnly affirm on oath that I will bear true faith and allegiance to the Constitution of India and the Constitution of Jammu and Kashmir as by law established, that I will duly and faithfully and to the best of my ability, knowledge and judgment perform the duties of my office without fear or favour, affection or ill-will.

FORM- I
[see rule 5(1)]

Application for grant of water connection for domestic use

The Executive Engineer,PHE,
_____Division.

Sir,

I Mr/Mrs/Miss _____ S/o / W/o / D/o _____
R/o _____ Tehsil _____ District _____ hereby apply
for grant of a water connection for domestic purposes to be installed at
_____ (full description of the premises) which is owned by the
undersigned/ is under the occupation of the undersigned.

I have deposited an amount of rupees _____ by cash/ DD/ Bank Draft under
cash receipt/DD/BD No. _____ Dated _____ issued by _____ (the name
of the Bank) favouring the Executive Engineer, PHE, _____ Division.

I undertake to pay the water usage charges as fixed by the Department from time
to time and shall abide by the terms and conditions subject to which the connection is
granted.

I also undertake to pay the cost of installation of water connection including the
cost of service pipes, other key material, flow-meter and labour charges.

The proof of residence, proof of ownership / occupancy of the premises and an
affidavit duly attested by the first class Magistrate is enclosed.

(Signature of the applicant)

FORM- II
[see rule 6]

Agreement

AGREEMENT FOR SUPPLY OF WATER FOR DOMESTIC
PURPOSES

An agreement made on this the ____ day of ____ 20__ between Mr. _____ S/o _____ R/o _____ (hereinafter called the consumer which term shall include his heirs, successors and assignees) of the first part and the Government of Jammu and Kashmir represented by _____ (hereinafter called the supplier) of the other part.

Whereas the Supplier has agreed to supply water for Domestic purposes and the consumer has agreed to abide by the terms and conditions hereinafter mentioned.

Now the parties aforementioned have agreed as follows:-

1. the Supplier shall supply water to the consumer at his premises situated at _____ for domestic purposes on payment of water usage charges by the consumer as fixed from time to time;
2. the supplier shall take all reasonable precautions for making regular supply of water but shall not be responsible for any interruption or any loss occurring thereto due to circumstances beyond the control of the supplier;
3. the supplier shall be at liberty to temporarily cut off the supply at any time after giving a reasonable notice to the consumer or in emergent cases, without any notice for carrying out repairs of any means or apparatus or any machinery at the pumping station;
4. In case a meter is provided by or fitted by the supplier at the premises of the consumer, the consumer shall be responsible to take care of the said meter and shall make good any damage or loss to the said meter or any other fittings etc. belongings to the supplier. The consumers shall, however, not be responsible for any loss or damage to the meter, if the loss of damage has been occasioned by causes beyond the control of such consumer;
5. the consumer shall allow the supplier or it's representative free access to his premises at all reasonable times during the day for taking down the reading of the meters or for general inspections of the installation or for repairs;
6. the consumer shall pay water usage charges and rent of the meter at the rates and within the time specified in the Jammu and Kashmir Water Resources (Regulation and Management) Act, 2010 and the Jammu and Kashmir Water Resources (Regulation and Management) Rules, 2011. The consumer will be at liberty to pay such charges in advance for the whole year or any part of the yeat;
7. the consumer shall display a number plate showing the number of his installation at any prominent place of his premises failing which the supplier shall be at liberty to disconnect the supply;

8. the consumer shall observe and adhere to the terms and conditions subject to which the supply has been sanctioned in his favour and shall at all times abide by the provisions of the Jammu and Kashmir Water Resources (Regulation and Management) Act, 2010 and the Jammu and Kashmir Water Resources (Regulation and Management) Rules, 2011

Witness :-

1. _____

2. _____

Signature of Consumer

Signature of Executive Engineer

Consent of the landlord (if the consumer is a tenant only)

I _____ being the owner of the above premises do hereby agree that.

1. I shall be jointly, with the consumer, responsible for the safety of the meter or other fitting belongings to the supplier and installed in the above premises;
2. I shall pay all the water usage charges for the water supplied in the above premises including rent and other incidental charges that may be due to the supplier, should the consumer fail to do so.

Witness :-

1. _____

2. _____

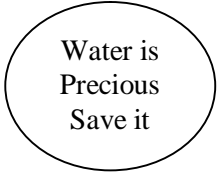
Signature of Consumer

Signature of Executive Engineer

FORM- III A
[see rule 10]

Demand Note

**GOVERNEMENT OF JAMMU & KASHMIR
PUBLIC HEALTH ENGINEERING DEPARTMENT
JAMMU/ KASHMIR**



Region

Division

Sub Division

Demand No.....

Date.....

Consumer's Name..... Demand From.....

Parentage..... to.....

Address..... Total Period.....

Type of Water Usage:- Domestic/ Commercial

WSIN..... Valid for payment by

Calculation of Current Usage

S. No.	Last Reading	Present Reading	Qty. Used	Rate (Rs.)	Amount (Rs.)
1		 KL	Rs. ___ per KL	
2	Flat Rate	Domestic	1/2" @ Rs. ____ per annum 3/4" @ Rs. ____ per annum		
		Commercial	1/2" @ Rs. ____ per annum 3/4" @ Rs. ____ per annum		

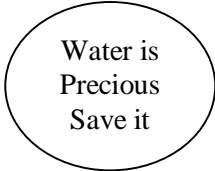
Sd/-
Assistant Executive Engineer
PHE Sub-Division_____

* N.P.
WSIN:- Water Supply Installation Number
KL :- Kilo liter

FORM- III B
[see rule 10]

Demand Note

**GOVERNEMENT OF JAMMU & KASHMIR
IRRIGATION & FLOOD CONTROL DEPARTMENT
JAMMU/ KASHMIR**



Region

Division

Sub Division

Demand No.....

Date.....

User's Name.....

Demand From.....

Address.....

Demand to.....

Type of Water Usage:- Generation of Electricity

Total Period.....

Valid for payment by

Calculation of Current Usage

S. No	Month	Opening Balance (cubic meter)	Average Flow of Water during the month	Water usage during the month	Total usage upto the Month	Rate (Rs.)	Amount (Rs.)
1							
2							

Sd/-
Asstt. Executive Engineer
Irri. & F.C Sub-Division_____
Jammu/ Kashmir

FORM- IV
[see rule 15 (1)]

Application for grant of water connection for commercial use

The Chief Engineer, PHE,
_____.

Sir,

I Mr/Mrs/Miss _____ S/o / W/o / D/o _____
R/o _____ Tehsil _____ District _____ hereby apply
for grant of a water connection for commercial purposes to be installed at
_____ (full description of the premises) which is owned by the
undersigned/ is under the occupation of the undersigned.

I require _____ (indicate the quantity of water supply require) of water
supply for _____ (indicate the purpose).

I have deposited an amount of rupees _____ by cash/ DD/ Bank Draft under
cash receipt/DD/BD No. _____ Dated _____ issued by _____ (the name
of the Bank) favouring the Chief Engineer, PHE.

I undertake to pay the water usage charges as fixed by the Department from time
to time and shall abide by the terms and conditions subject to which the connection is
granted.

I also undertake to pay the cost of installation of water connection including the
cost of service pipes, other key material, flow-meter and labour charges.

I further undertake that I will not draw/ consume more water than the quantity
applied for nor would I use the water for purposes other than indicated above.

The proof of residence, proof of ownership / occupancy of the premises and an
affidavit duly attested by the first class Magistrate is enclosed.

(Signature of the applicant)

FORM- V
[see rule 16]

Agreement

AGREEMENT FOR THE SUPPLY OF WATER FOR
COMMERCIAL / INDUSTRIAL / INSTITUTIONAL PURPOSES

An agreement made on this the ____ day of _____ 20__ between Mr. _____ S/o _____ R/o _____ (hereinafter called the consumer which term shall include his heirs, successors and assignees) of the first part and the Government of Jammu and Kashmir represented by _____ (hereinafter called the supplier) of the other part.

Whereas the Supplier has agreed to supply water for Commercial/ Industrial/ Institutional purposes and the consumer has agreed to abide by the terms and conditions hereinafter mentioned.

Now the parties aforementioned have agreed as follows:-

1. the Supplier shall supply water to the consumer at his premises situated at _____ for domestic purposes on payment of water usage charges by the consumer as fixed from time to time;
2. the supplier shall take all reasonable precautions for making regular supply of water but shall not be responsible for any interruption or any loss occurring thereto due to circumstances beyond the control of the supplier;
3. the supplier shall be at liberty to temporarily cut off the supply at any time after giving a reasonable notice to the consumer or in emergent cases, without any notice for carrying out repairs of any means or apparatus or any machinery at the pumping station;
4. In case a meter is provided by or fitted by the supplier at the premises of the consumer, the consumer shall be responsible to take care of the said meter and shall make good any damage or loss to the said meter or any other fittings etc. belongings to the supplier. The consumers shall, however, not be responsible for any loss or damage to the meter, if the loss of damage has been occasioned by causes beyond the control of such consumer;
5. the consumer shall allow the supplier or it's representative free access to his premises at all reasonable times during the day for taking down the reading of the meters or for general inspections of the installation or for repairs;
6. the consumer shall pay water usage charges and rent of the meter at the rates and within the time specified in the Jammu and Kashmir Water Resources (Regulation and Management) Act, 2010 and the Jammu and Kashmir Water Resources (Regulation and Management) Rules, 2011. The consumer will be at liberty to pay such charges in advance for the whole year or any part of the year;
7. the consumer shall display a number plate showing the number of his installation at any prominent place of his premises failing which the supplier shall be at liberty to disconnect the supply;

8. the consumer shall observe and adhere to the terms and conditions subject to which the supply has been sanctioned in his favour and shall at all times abide by the provisions of the Jammu and Kashmir Water Resources (Regulation and Management) Act, 2010 and the Jammu and Kashmir Water Resources (Regulation and Management) Rules, 2011

Witness :-

1. _____

2. _____

Signature of Consumer

Signature of Chief Engineer

Consent of the landlord (if the consumer is a tenant only)

I _____ being the owner of the above premises do hereby agree that.

1. I shall be jointly, with the consumer, responsible for the safety of the meter or other fitting belongings to the supplier and installed in the above premises;
2. I shall pay all the water usage charges for the water supplied in the above premises including rent and other incidental charges that may be due to the supplier, should the consumer fail to do so.

Witness :-

1. _____

2. _____

Signature of the Consumer

Signature of Chief Engineer

FORM- VI
[see rule 23 (1)]

Application for permission to use water (water outlet / Moga) from an irrigation work

The Asstt. Executive Engineer,
Irri Sub Division_____.

Sir,

I Mr/Mrs/Miss_____S/o / W/o / D/o_____
R/o_____Tehsil_____District _____ hereby apply
for grant of permission for water outlet (Moga) for irrigation purposes from _____
irrigation work at _____ (*full description of the premises*) which is
owned by the undersigned/ is under the occupation of the undersigned.

I have deposited an amount of rupees _____by cash/ DD/ Bank Draft under
cash receipt/DD/BD No._____Dated_____ issued by _____ (*the name
of the Bank*) favouring the Asstt. Executive Engineer, Irrigation Division_____.

I undertake to pay the water usage charges as fixed by the Department from time
to time and shall abide by the terms and conditions subject to which the connection is
granted.

I also undertake to pay the cost of installation of water outlet (Moga) including the
cost of service pipes, other key material, flow-meter and labour charges.

The proof of residence, proof of ownership / occupancy of the premises and an
affidavit duly attested by the first class Magistrate is enclosed.

(Signature of the applicant)

FORM- VII
[see rule 25 (2)]

Application for grant of permission to construct a well in the restricted area for purposes other than exclusive domestic use.

The Executive Engineer, Irrigation.,
_____ Division.

Sir,

The Government has restricted the construction of wells in _____(indicate the name and location of the area) vide Notification No. _____ Dated _____.

I, Mr/Mrs/Miss _____ S/o / W/o / D/o _____
R/o _____ Tehsil _____ District _____ hereby apply for grant of a permission to construct/ dig a well for _____(specify the purpose) at _____(full description of the premises/ land) which is owned by the undersigned/ is under the occupation of the undersigned.

I have deposited an amount of rupees _____ by cash/ DD/ Bank Draft under cash receipt/DD/BD No. _____ Dated _____ issued by _____(the name of the Bank) favouring the Executive Engineer, Irrigation, _____ Division.

I undertake to pay the fees and charges as fixed by the Department from time to time and shall abide by the terms and conditions subject to which the connection is granted.

I further undertake that I will not use the water for purpose other than indicated above.

The proof of residence, proof of ownership / occupancy of the premises and an affidavit duly attested by the first class Magistrate is enclosed.

The detailed information about for grant of permit is as under:-

- (a) Type of the well & its location _____
- (b) Description of source of ground water _____
- (c) The purpose of sinking the well / using the water _____
- (d) Quantity of water to be lifted _____
- (e) lifting device to be employed _____
- (f) time and duration of lifting water per day _____
- (g) the name and addresses of other users in the area _____
- (h) details of the unit/scheme installed/operative (if any) _____

(Signature of the applicant)

FORM- VIII
[see rule 37(1)]

Application for grant of permission for plying a boat or vessel

The Chief Engineer, I& FC,
_____.

Sir

I, Mr/Mrs/Miss _____ S/o / W/o / D/o _____
R/o _____ Tehsil _____ District _____ hereby apply
for grant of a permission to ply a boat/ vessel in _____ (name and
description of water course) for _____ (indicate the purpose).

I have deposited an amount of rupees _____ by cash/ DD/ Bank Draft
under cash receipt/DD/BD No. _____ Dated _____ issued by _____ (the
name of the Bank) favouring the Chief Engineer, I&FC.

I undertake to pay the fees and charges as fixed by the Department from time to
time and shall abide by the terms and conditions subject to which the connection is
granted.

I further undertake that I will not use the boat/ vessel for any purpose other than
indicated above and will not operate the boat/vessel for the period longer than applied for

The details of the boat/vessel are as under:-

- (a) material used for construction of boat/vessel _____
- (b) size of the boat/vessel _____
- (c) capacity of the boat/vessel _____
- (d) purpose of plying the boat/vessel _____
- (e) mode of operation (mechanical) _____
- (f) period of operation of the boat/vessel _____
- (g) the area of operation of the boat/vessel _____

The certificate of fitness of the boat/vessel is enclosed with this application.

(Signature of the applicant)

FORM IX
[see rule 38(1)]

Application for grant of permission for extracting water from an irrigation work

The Executive Engineer, I&FC,
_____ Division.

Sir,

I Mr/Mrs/Miss _____ S/o / W/o / D/o _____
R/o _____ Tehsil _____ District _____ hereby apply
for grant of permission to extract water for _____ (indicate the purpose) from
the _____ (name of the irrigation work) by installation of a pump set or by
_____ (if any other device is to be used).

I need the extraction of _____ (indicate the quantity of water supply require)
water for _____ (indicate the purpose).

I have deposited an amount of rupees _____ by cash/ DD/ Bank Draft under
cash receipt/DD/BD No. _____ Dated _____ issued by _____ (the name
of the Bank) favouring the Executive Engineer, I&FC _____ Division.

I undertake to pay the water usage charges as fixed by the Department from time
to time and shall abide by the terms and conditions subject to which the connection is
granted.

I further undertake that I will not extract more water than the quantity applied for
or use any other device for extracting such water or use the water for any purpose other
than indicated above or extract the water for any period longer than applied for.

The detailed information about for grant of permit is as under:-

- (a) Name of the Irri. Sch from where water to be lifted _____
- (b) lifting device to be employed _____
- (c) Quantity of water to be lifted _____
- (d) time and duration of lifting water per day _____
- (e) the name and addresses of other users in the area _____
- (f) details of the unit/scheme installed/operative (if any) _____

(Signature of the applicant)

FORM- X

[see rule 49 and 52]

AGREEMENT / UNDERTAKING

An agreement made on this the ____ day of ____ 20__ between Mr. _____ S/o _____ R/o _____ (hereinafter called the licensee which term shall include his heirs, successors and assignees) of the first part and the Government of Jammu and Kashmir represented by _____/ Chief Engineer _____ Department (hereinafter called the licensing authority) of the other part.

whereas the licensee has applied for grant of licence for the installation of a unit for _____ and the licensing authority has agreed to issue the licence on the terms and conditions set in the licence and the terms as hereinbelow agreed.

Now the parties aforementioned have agreed as follows:-

1. the licensing authority shall issue the license to the licensee for the installation of _____ unit at _____ for the purpose of _____ on payment of such water usage charges as may be fixed by the licensing authority from time to time;
2. the licensee shall ensure that the key construction material used in the construction work should be BIS mark and got tested from the Government laboratory to the satisfaction of the licensing authority;
3. the licensee shall provide suitable living accommodation and medical facilities to the persons working for the execution, running and the maintenance of the project;
4. the licensee shall arrange periodic inspections by a competent Engineer from the field of hydraulic/ structure engineering and shall implement all suggestions/ recommendations given thereon in letter and spirit at his expenses;
5. the licensee shall, during the monsoon season, arrange expert teams of engineers and other staff deployed to watch the behavior of the river or any other water source used for the scheme and shall execute special works, if required, for the stability and safety of the structure at his expenses;
6. the licensee shall carry out all under ground works at least 3 ft. below N.S.L in order to avoid any accidents;
7. the licensee shall provide suitable crossings at appropriate places (as identified by the Engineer incharge) for the convenience of the public;

8. the licensee shall deploy sufficient guard at important installations particularly like canal headworks, filtration plants, O.H.T's, reservoirs, dams, so as to keep prevent any sabotage and ensure security of the scheme;
9. the licensee shall install and operate automatic warning system with hooters or sirens so as to warn the people regarding operation of ejection of silt from the dams;
10. the licensee shall undertake/ execute all anti-erosion works, bunds or other mechanisms, in case the outgoing water from the turbine after generating electricity flowing down the dam site is likely to cause erosion, inundation or submergence of any area;
11. the licensee shall install Disaster Management Machinery and equipment/skilled labour on the scheme, to combat any situation arising out of any natural calamity; and
12. the licensee shall dispose of waste material to ensure that the waste material available during the execution and after the completion of schemes do not cause any accident, health hazard, change of river course or pollute the environment.
13. the licensee shall abide by and observe the provisions of the Jammu and Kashmir Water Resources (Regulation and Management) Act, 2010, the Jammu and Kashmir Water Resources (Regulation and Management) Act, 2010 and the terms and conditions of licence.

Witness :-

1. _____

2. _____

Signature of the licensee

Signature of the licensing authority
represented by_____

-

FORM -XI
[see rule 58(1)]

Application for grant of permission to construct/ sink a well in the notified area

The Chief Engineer, PHE,
_____ .

Sir,

The Government has under section 111 of the Jammu and Kashmir Water Resources (Regulation and Management) Act, 2010 notified the _____(indicate the name and location of the area) vide Notification No._____ Dated _____.

I, Mr/Mrs/Miss _____ S/o / W/o / D/o _____
R/o _____ Tehsil _____ District _____ hereby apply for grant of a permit to construct/ sink a well and use water from such well for _____(specify the purpose) at _____ (full description of the premises/ land) which is owned by the undersigned/ is under the occupation of the undersigned.

I have deposited an amount of rupees _____ by cash/ DD/ Bank Draft under cash receipt/DD/BD No. _____ Dated _____ issued by _____(the name of the Bank) favouring the Chief Engineer, PHE.

I undertake to pay the fees and charges as fixed by the Department from time to time and shall abide by the terms and conditions subject to which the connection is granted.

I further undertake that I will not extract more water than the quantity applied for or use any other device for extracting such water or use the water for any purpose other than indicated above or extract the water for any period longer than applied for.

The proof of residence, proof of ownership / occupancy of the premises and an affidavit duly attested by the first class Magistrate is enclosed.

The detailed information about for grant of permit is as under:-

- (a) type of well and its location _____
- (b) description of the source of ground water _____
- (c) the purpose of sinking the well/using the water _____
- (d) lifting device to be employed _____
- (e) the quantity of water to be extracted _____
- (f) time and duration of extraction per day _____
- (g) the name and addresses of other users in the area _____
- (h) details of the unit/scheme installed/operative (if any) _____

(Signature of the applicant)

FORM XII
[see rule 63]

Application for registration of drilling agencies

The Chief Engineer,
PHE/ I&FC Department,
Jammu / Kashmir.

Sir,

I Mr/Mrs/Miss _____ S/o / W/o / D/o _____
R/o _____ Tehsil _____ District _____ hereby apply
to register my firm in the State.

I have deposited an amount of rupees _____ by cash/ DD/ Bank Draft under
cash receipt/DD/BD No. _____ Dated _____ issued by _____ (*the name
of the Bank*) favouring the Executive Engineer, I&FC _____ Division Jammu/
Kashmir.

The detailed information about for grant of permit is as under:-

1. Type of Rig
2. Chassis No.
3. Registration No
4. Maximum drilling capacity Meters
5. No. of wells drilled since in business
6. Area where drilled
7. Type of rigs used
8. Depth of the Well
9. Success rate
10. Performance certificate
11. Turnover during the years
12. Under the business
13. Any other information

It is certified that the above information furnished by me is true to the best of my
knowledge & belief.

(Signature of the applicant)

FORM- XIII
[see rule 70(1)]

Annual Report of the Jammu and Kashmir Water Resources Regulatory Authority

Annual Report for the financial year _____ (first April _____ to 31st March _____)

1. Chairperson of the Authority and its Members.
2. Meetings of the Authority.
3. Brief report with regard to-
 - (a) the activities of the Authority during the year;
 - (b) the number of schemes approved by the Authority;
 - (c) the number of complaints received and disposed by the Authority;
 - (d) the tariff/ water usage charges fixed by the Authority;
 - (e) the measures recommended by the Authority for efficient use of water resources;
 - (f) number of disputes adjudicated upon by the Authority;
 - (g) the number and nature of reports of enquiry, if any, forwarded to the Government during the year; and
 - (h) such other matters which the Authority may like to bring into the notice of the Government.

Secretary

Form- XIV
[see rule 71 (1)]

Before the Court of learned Special Judge constituted under the J&K Water Resources (Regulation and Management) Act, 2010/ learned Chief Judicial Magistrate_____

PHE/I&FC Department,
through Chief Engineer,
Executive Engineer,
Assistant Executive Engineer

V/S

Complaint

In the matter of:- Complaint under sub-section____of section _____ read with section 172 of the J&K Water Resources (Regulation and Management) Act, 2010.

—

It is respectfully submitted that on inspection conducted by _____/ as reported by _____/ on a complaint filed by _____, it has been found that Shri _____ S/O _____ R/O _____ has _____

_____(indicate the brief facts giving rise to the complaint, the date, time & place of occurrence or commission the offence, the documentary proof, if any, in support of the complaint and the list of witnesses, if any, to be produced by the complainant in support of his complaint).

By the above mentioned act of commission/omission, the said Shri _____ has been guilty of committing an offence under sub section _____ of section _____ read with section 172 of the J&K Water Resources (Regulation and Management) Act, 2010.

It is therefore, prayed that the accused may kindly be prosecuted and punished in accordance with the provisions of the J&K Water Resources (Regulation and Management) Act, 2010.

A copy of the inspection report/ report of _____/ complaint filed by _____referred above giving rise to the present complaint is enclosed.

Complainant
Chief/Executive Engineer
Assistant Executive Engineer
Incharge Area

Copy to the _____ for
information.

FORM- XV
[see rule 73 (2)]

COMPOUNDING BOOK

Office of the Chief Engineer/ Executive Engineer/ Assistant Executive Engineer,
PHE/Irrigation/Flood Control Department / Division /Sub-Division _____.

[Compounding authority under rule 70(1) of the Jammu and Kashmir Water Resources (Regulation and Management) Rules, 2011]

Case/Complaint No: _____ of _____ (year)
Date: _____

State of Jammu & Kashmir through
PHE, Irrigation and Flood Control
Department.

V/S

Mr. _____

Whereas, it has been observed/noticed/found* by the undersigned/
reported/complained* by Mr. _____ (name and address / designation of the reporting
official /complainant) that Mr. _____ (name and address of the accused) has

_____ (details of the allegation); and

Whereas, by acting as such/ doing so, the said Mr _____ (name
and address of the accused) has committed an offence punishable under section _____ of
the Jammu and Kashmir Water Resources (Regulation and Management) Act, 2010; and

Whereas, the accused Mr. _____ has accepted/ admitted his guilt
as aforesaid and has requested that his offence be compounded under section 181 of the
Jammu and Kashmir Water Resources (Regulation and Management) Act, 2010 read with
rule 73 of the Jammu and Kashmir Water Resources (Regulation and Management)
Rules, 2011; and

Whereas, the undersigned, being competent to compound the aforesaid offence
under rule 73 of the Jammu and Kashmir Water Resources (Regulation and Management)
Rules, 2011, has accepted the request of the said accused/ offender for compounding the
aforementioned offence; and

Whereas, the aforesaid offender was accordingly directed to deposit an amount of
rupees _____ so as to enable the undersigned to compound the aforementioned
offence; and

Whereas, the aforesaid offender has deposited rupees _____ through Bank
Draft/ Demand Draft No. _____ Dated _____ issued by _____ (name
of the Bank).

Now, therefore, in exercise of the powers conferred by section 181 of the Jammu and Kashmir Water Resources (Regulation and Management) Act, 2010 read with rule 73 of the Jammu and Kashmir Water Resources (Regulation and Management) Rules, 2011, the undersigned hereby compounds the aforementioned offence committed by the aforesaid offender.

(Signature of the compounding authority with seal).

I, _____ accept/admit the guilt of having committed the offence under section _____ of the Jammu and Kashmir Water Resources (Regulation and Management) Act, 2010 and, having requested for compounding of the aforementioned offence, hereby accept the decision of the compounding authority.

(Signature of the offender)

No:- PW/Hyd/Adm/03/2011

Dated:- -01-2011

Copy to the:-

01. All financial Commissioners.
02. Principal Secretaries/ Commissioner Secretaries/ Secretaries.
03. Secretary to government of law, Justice and Parliamentary Affairs.
04. Accountant General, J&K.
05. Director Information, J&K Jammu for publicity.
06. Director radio/ Doordarshan Kendar, Jammu and Kashmir for broadcast.
07. All chief Engineers.
08. Manager, Government Press, Jammu for publication to the notification in an extra ordinary issue of Government Gazette.
09. PPS to Chief Secretary, J&K.
10. Special Assistant to HM/ HMos for kind information of HM/ HMos.

**Deputy Secretary to Govt.
PHE/ I&FC Department**

No:- PW/Hyd/Adm/03/2011

Dated:- -01-2011

Copy to the:-

01. All financial Commissioners.
02. Principal Secretaries/ Commissioner Secretaries/ Secretaries.
03. Secretary to government of law, Justice and Parliamentary Affairs.
04. Accountant General, J&K.
05. Director Information, J&K Jammu for publicity.
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10. Special Assistant to HM/ HMos for kind information of HM/ HMos.

**Deputy Secretary to Govt.
PHE/ I&FC Department**