

Laws, Regulations and Rules passed thereunder.

JAMMU AND KASHMIR STATE WATER RESOURCES REGULATORY AUTHORITY

NOTIFICATION

NO: 03 /JKSWRRA/2013, JAMMU

Dated: 22nd April 2013

In exercise of the powers conferred under sections 33(1) and section 198(2)(a) of the J&K Water Resources (Regulation and Management) Act, 2010(Act No XXI of 2010) and all powers enabling it in that behalf, the State Water Resources Regulatory Authority, Jammu and Kashmir, hereby makes the following Regulations, namely:-

CHAPTER – I

1. Short title, commencement and interpretation-(1) These Regulations may be called the J & K State Water Resources Regulatory Authority (The form and manner of publishing a scheme for water channels and field channels) Regulations, 2013.
(2) These Regulations shall come into force from the date of their publication in the Government Gazette.

2. Definitions- (1) In these Regulations unless the context otherwise requires-
 - a) 'Act' means the J & K Water Resources (Regulation & Management) Act 2010 (Act No XXI of 2010);
 - b) 'Chairperson' means the Chairperson of the Authority;
 - c) 'Authority' means the J & K State Water Resources Regulatory Authority, established under the Act;
 - d) 'Consultant' includes any individual, firm, body or association of persons, not in the employment of the Authority, who or which possesses or has any specialized knowledge, experience or skill;
 - e) 'Government' means the Government of Jammu and Kashmir;
 - f) 'Member' means Member of the Authority;
 - g) 'Officer', means an officer of the Authority;

- h) 'Secretary' means the Secretary of the Authority;
- i) 'Scheme' means any work proposed to be taken up for execution in respect of construction, extension, alteration and realignment of water and field channels by the department/licensee ;
- j) 'Prescribed Authority', means the Chief Engineer concerned of the Irrigation and flood control department for the purpose of these Regulations.

(2) Words or expressions occurring in these Regulations and not defined herein but defined in the Act shall bear the same meaning as in the Act or in the J & K State Water Resources Regulatory Authority (Conduct of Business) Regulations, 2013.

CHAPTER - 2

FORM AND MANNER OF PUBLISHING A SCHEME FOR WATER CHANNELS AND FIELD CHANNELS

- 3. This details the obligation of the officer of the department preparing the schemes in respect of water channels and field channels.
- 4. These regulations shall apply to the schemes in respect of water channels and field channels relating to:
 - (a) construction, alteration, extension and re-alignment of any water channel, or any existing water channel constructed or maintained by any owner or occupier;
 - (b) re-allotment of areas served by one water course to another;
 - (c) lining of any water channel;
 - (d) occupation of land for the deposit of soil gathered from clearance of any water channel;
 - (e) any other matter which is necessary for proper maintenance of a water course and distribution of water there from.
- 5. The scheme prepared should detail:
 - (A) For construction / extension-
 - (a) estimated cost of the scheme;
 - (b) the aims and objectives of the scheme;
 - (c) the site of the outlet;
 - (d) the particulars of owners or occupiers;

- (e) the particulars of the persons to be benefited;
- (f) the particulars of persons affected;
- (g) the sketch plan of the area proposed to be covered under the scheme;
- (h) broad features of the schemes indicating the name of the river/ tributary/ water-channel on which construction/ extension is affected.

(B) Alteration/ Re-alignment works:

- (a) estimated cost of the scheme;
- (b) the aims and objectives of the scheme;
- (c) the site of outlet;
- (d) the particulars of owners or occupiers;
- (e) the particulars of the persons to be benefited;
- (f) the particulars of persons affected;
- (h) the particulars indicating the name of the water channel to be altered / re-aligned.

6. Publication of the scheme and hearing on objection:

The Executive Engineer concerned after preparation of scheme shall publish the scheme in the manner described hereunder:

- (a) summary of the scheme shall be published in one issue of each of two daily newspapers in Urdu and two daily newspapers in English having a wide circulation in the state. The advertisement should invite interested persons to file their objections/ suggestions and such documents as they seek to rely upon, supported by an affidavit and also indicate if they would like to be heard in person
- (b) the details of the publication should be uploaded and made available on the official web site and so indicated in the newspaper publication for public information.
- (c) the advertisement should mention that the details are available on the official website and that any person interested can obtain hard copies of such details from the Executive Engineer's office on payment of the cost of documents
- (d) the publication should mention the dates up to which, such copies shall be made available to the persons desiring to obtain them.
- (e) the objections /suggestions shall be received within 30 days from the date of publication of the scheme.

7. After considering the objections/ suggestions, if any, the Executive Engineer shall approve the scheme either as it was originally published or in such modified form as he may consider fit and publish the same.
8. The Superintendent Engineer may, on his own motion at any time or on an application made, within a period of thirty days from the date of publication of the scheme by any person aggrieved by such scheme, revise the scheme approved under regulation 7.

Provided that such a revision shall not be made without affording the person affected an opportunity of being heard.

9. Any person aggrieved by an order of Executive Engineer under regulation 7 or the Superintendent Engineer under regulation 8 may prefer an appeal, within a period of thirty days of passing of such an order, to the prescribed authority whose decision thereon shall be final.
10. In case of non-compliance of the Regulations and orders of the Authority, the Authority may take suitable action as per the provisions under the Act, Rules and Regulations or the Authority may take any other action as deemed proper.
11. Savings of inherent powers of the Authority.- Nothing in these provisions shall bar the Authority from adopting a procedure which is at variance with any of the provisions of these Regulations, if the Authority, in view of the special circumstances of the matter or class of matters and for reasons to be recorded in writing, deems it necessary or expedient to depart from the procedure prescribed in the Regulations.
12. General power to amend.- The Authority may, at any time and on such terms as it may think fit, amend any provision of the Regulations for the purpose of meeting the objectives with which these Regulations have been framed.
13. Power to remove difficulties.-If any difficulty arises in giving effect to any of the provisions of these Regulations, the Authority may, by general or special order, do anything not being inconsistent with the provisions of the Act, which appears to it to be necessary or expedient for the purpose of removing the difficulties.

By order of the Authority

**Sd/-
Secretary**