

Laws, Regulations and Rules passed thereunder.

**JAMMU AND KASHMIR STATE WATER RESOURCES REGULATORY
AUTHORITY**

NOTIFICATION

NO: 04 /JKSWRRA/2013, JAMMU

Dated: 22nd April 2013

In exercise of the powers conferred under sections 51(3 & 7) and section 198(2)(b) of J&K Water Resources (Regulation and Management) Act, 2010(Act No XXI of 2010) and all powers enabling it in that behalf, the J&K State Water Resources Regulatory Authority, 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 in culturable command area) 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 Jammu and Kashmir 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) 'Government' means the Government of Jammu and Kashmir;
 - (e) 'Member' means a Member of the Authority;
 - (f) 'Officer', means an officer of the Authority;
 - (g) 'Secretary' means the Secretary of the Authority;

- (h) 'Prescribed Authority' means the Chief Engineer concerned of the Irrigation and flood control department

(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 IN CULTURABLE COMMAND AREA

3. This details the obligation of the officers of the department preparing the schemes in respect of water channels in a culturable command area.
4. These regulations shall apply to the schemes concerning water channels in a culturable command area wherein the Executive Engineer concerned may, on his own motion or on the application of not less than fifty per cent of the owners or occupiers of land in a culturable command area, prepare a draft scheme to provide for on-farm development on a group or block of fields.
5. The scheme should detail:
 - (a) estimated cost of the scheme;
 - (b) the aims and objectives of the scheme;
 - (c) the particulars of owners or occupiers to be benefited;
 - (d) the particulars of persons affected;
 - (e) the sketch plan of the area proposed to be covered under the scheme;
 - (f) broad features of the scheme indicating the name of the river/ tributary/ water-channel on which the scheme is being taken up;
6. Publication of the scheme and hearing of objections:

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

- (a) 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 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 interested person 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 date up to which such copies shall be made available to the person desiring such details.
 - (e) the objections /suggestions shall be received within 30 days from the date of publishing the scheme.
7. After consideration of such objections and 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 again.
8. The Superintendent Engineer may, at any time, or on an application made, by any person aggrieved by the scheme approved under Regulation 7, within a period of thirty days from the date of publication of the scheme, revise or annul the scheme so approved.

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

9. If the draft scheme is not approved by Executive Engineer after its publication under Regulation 5 or if such scheme is revised or annulled by the Superintending Engineer under Regulation 8, any owner or occupier or beneficiary aggrieved by such an order of the Executive Engineer or the Superintending Engineer, as the case may be, may prefer an appeal, within thirty days of the passing of the order aggrieved against, to the prescribed authority, whose decision thereon shall be final.
10. After a scheme has been approved by the Executive Engineer under Regulation (7), or where an appeal preferred under Regulation (9), has been disposed of by the prescribed authority, the scheme shall be published again in the manner as under:
- (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.
 - (b) the details of the publication should be uploaded and made available on the official web site and 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 interested person 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 date up to which such copies shall be made available to the person desiring such details.

11. The scheme upon such publication, shall be got executed.
12. 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.
13. 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.
14. 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 objective with which these Regulations have been framed.
15. Power to remove difficulties.-If any difficulty arises in giving effect to any of the provisions of these Regulations, the Authority may, by a 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**