21.12 The Tamil Nadu Village Panchayats (Transfer of irrigation functions to Village Panchayats and Panchayat Union Councils) Rules, 1999

(G.O. (Ms) No. 222, Rural Development (C-4) Department,Dated 20th October, 1999)

In exercise of the powers conferred by sub-section (1) of Section 133 and sub – section (1) of Section 242 of The Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994) and in supersession of the Rules relating to transfer of irrigation functions to panchayats, the Governor of Tamil Nadu here by makes the following Rules :-

RULES

1.Short title - These Rules may be called the Tamil Nadu Village Panchayats (Transfer of Irrigation Functions to Village Panchayats and Panchayat Union Councils) Rules, 1999.

2. **Definition** - In these Rules, unless the context otherwise requires, "Act" means the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994).

3. **Restriction and conditions relating to transfer** - The transfer of matter in respect of irrigation work specified in sub – section (1) of Section 133 to any Village Panchayat or Panchayat Union Council shall be restricted to any minor irrigation source, which is situated within such Village Panchayat or Panchayat Union Council if such source does not form part of a river irrigation system:

Provided that tank under the control of the Public Works Department shall not be transferred even if it is un – connected with a river irrigation system.

4. **Arrangements for discharge of functions** - A Village Panchayat or Panchayat Union Council, as the case may be, shall with effect from the date on which the functions in respect of any village irrigation work are transferred to it make its own arrangements, for the discharge thereof and shall, if necessary, employ its own staff in the exercise of such functions. The Village Panchayat or Panchayat Union Council, as the case may be, shall also have general control over work charged labourers, if any, employed by the Government. The Rural Development Department shall have the powers of appointment, punishment, dismissal and payment of salary and other allowances to them if they were in service at the time of transfer of such minor irrigation sources.

5. **Power to regulate supply of water, etc** - The Village Panchayat or Panchayat Union Council, as the case may be, shall have the power to regulate the manner and order in which the lands in the village under the irrigation work shall be irrigated, the time at which the supply of water, shall commence, the period during which the supply of water shall continue and the total quantity of water to be supplied. But, the Village Panchayat or Panchayat Union Council, as the case may be, shall so exercise its power of regulation so as to interfere with any established customary right to preferential or proportional supply.

6. **Regulation of turns of irrigation** – (1) The Village Panchayat or Panchayat Union Council, as the case may be, shall be responsible as a body to decide on all details regarding the regulation of turns of irrigation. The actual operation of the shutters shall be the responsibility of the Village Administrative Officer only, subject to the general control of the Village Panchayat or Panchayat Union Council, as the case may be.

(2) The Village Panchayat or Panchayat Union Council, as the case may be, may empower the Committee appointed by it under clause (b) of sub-section (1) of Section 96 of the Act for the efficient performance of its duties and functions under sub-section (1) of Section 133 of the Act, to regulate the turns of irrigation.

7. **Alteration in sluices, etc** - The Village Panchayat or Panchayat Union Council, as the case may be, shall not effect any alteration in the sluices of the irrigation work or interfere with the standard and specification laid down in the Tank Restoration Scheme. Memoirs in respect of such work, or raise, lower or extend the weirs of calingulars, or make any material alteration in or interfere with the head works, if any, of the channels without the prior approval of the Collector.

8. **Watch over bunds** - The Village Panchayat or Panchayat Union Council as the case may be, shall be responsible for keeping watch over the bund of the respective irrigation work during the rainy season.

9. **Damage to sluices, weirs etc** - The Village Panchayat or Panchayat Union Council, as the case may be, shall make good, any damage to the sluices, weirs, calingulas, channels, head works, bund or other works forming part of or connected with the irrigation work resulting from its misfeasance or non-feasance. The decision of the Collector as to whether any particular item of damage was the result of any misfeasance or non- feasance on the part of the Village Panchayat or Panchayat Union Council, as the case may be, shall be final.

10. Prohibition of excavation of earth - The Village Panchayat or Panchayat Union Council, as the case may be, shall not excavate or allow any person to excavate earth at any time for any purpose within ten metres or five times the height of the bund whichever is more or either to of the bund of the irrigation work.

11. Power of Government to resume work - Any function in respect of a village irrigation work transferred to Village Panchayat or Panchayat Union Council, as the case may be, may at any time, be resumed without assigning any reason, by the Government or the authority to whom powers may be delegated under Section 218 of the Act.

12. Controlling and supervision - The maintenance of all irrigation works transferred to the Village Panchayat or Panchayat Union Council, as the case may be, shall be under the control and supervision of the Assistant Engineer, Rural Development or Union Engineer and shall be subject to inspection by the Inspector or any authority authorised by him.

RAMESH CHANDRA PANDA
SECRETARY TO GOVERNMENT

Verified RedEstate