

15 -ാം കേരള നിയമസഭ

3 -ാം സമ്മേളനം

നക്ഷത്ര ചിഹ്നം ഇല്ലാത്ത ചോദ്യം നം. 2844

13-10-2021 - ൽ മറുപടിയ്ക്ക്

നെയ്യാർ ഡാം, മലമ്പുഴ ഡാം ടൂറിസം വികസനം

ചോദ്യം		ഉത്തരം	
ശ്രീ. എ. പ്രഭാകരൻ		Shri Roshy Augustine (ജലവിഭവ വകുപ്പ് മന്ത്രി)	
(എ)	നെയ്യാർ ഡാം, മലമ്പുഴ ഡാം എന്നിവിടങ്ങളിലെ ഗാർഡന്റെയും മറ്റ് അനുബന്ധ സൗകര്യങ്ങളുടെയും മേൽനോട്ട ചുമതല ആർക്കാണ് അറിയിക്കാമോ?	(എ)	നെയ്യാർ ഡാം ഗാർഡന്റെയും മറ്റ് അനുബന്ധ സൗകര്യങ്ങളുടെയും മേൽനോട്ട ചുമതല നെയ്യാർ ഡാം അസിസ്റ്റന്റ് എഞ്ചിനീയർക്കാണ്. മലമ്പുഴ ഡാം ഗാർഡന്റെയും മറ്റ് അനുബന്ധ സൗകര്യങ്ങളുടെയും മേൽനോട്ട ചുമതല എക്സിക്യൂട്ടീവ് എഞ്ചിനീയർ, ഇറിഗേഷൻ ഡിവിഷൻ മലമ്പുഴയ്ക്കാണ്.
(ബി)	പ്രസ്തുത സ്ഥലങ്ങളിലെ ടൂറിസം വികസനത്തിന് ടൂറിസം വകുപ്പ് നേരിട്ട് വികസന-നിർമ്മാണ പ്രവർത്തനങ്ങൾ നടപ്പിലാക്കുന്നതിന് എന്തെങ്കിലും നിയമപരമായ തടസ്സമുണ്ടോ; ഉണ്ടെങ്കിൽ ആയതിന്റെ വിശദാംശങ്ങളും ഉത്തരവിന്റെ പകർപ്പും ലഭ്യമാക്കാമോ?	(ബി)	നെയ്യാർ ഡാമും പരിസരവും 1974ലെ ഡിഫൻസ് ഓഫ് ഇൻഡ്യ ആക്ട് അനുസരിച്ച് സംരക്ഷിത മേഖലയായി പ്രഖ്യാപിച്ചിട്ടുള്ളതാണ്. ആയതിനാൽ ഈ പ്രദേശത്ത് മറ്റ് ഏജൻസികളെ ചുമതലപ്പെടുത്തി പ്രവൃത്തികൾ നടപ്പിലാക്കുവാൻ സാധ്യമല്ല. എന്നിരുന്നാലും ടൂറിസം വികസനത്തിന്റെ ഭാഗമായി ടൂറിസം ഫണ്ടുപയോഗിച്ച് ടൂറിസം വകുപ്പ് വിഭാവന ചെയ്യുന്ന പദ്ധതികൾ ഇറിഗേഷൻ വകുപ്പ് മുഖേന നടപ്പാക്കാവുന്നതാണ്. മലമ്പുഴ ഡാം പ്രദേശത്തെ ടൂറിസംവികസനത്തിനായി ടൂറിസം വകുപ്പ് നേരിട്ട് വികസന-നിർമ്മാണ പ്രവർത്തനങ്ങൾ നടപ്പിലാക്കുന്നതിന് കേരള ഇറിഗേഷൻ ആന്റ് വാട്ടർ കൺസർവേഷൻ (അമന്റ്മെന്റ്) റൂൾസ് 2018, കേരള ഡാം സേഫ്റ്റി അതോറിറ്റിയുടെ മാനദണ്ഡങ്ങൾ എന്നിവ പാലിച്ചുകൊണ്ടുള്ള ഇറിഗേഷൻ വകുപ്പിന്റെ NOC ആവശ്യമാണ്. കേരള ഇറിഗേഷൻ ആന്റ് വാട്ടർ കൺസർവേഷൻ (അമന്റ്മെന്റ്) റൂൾസ് 2018 ന്റെ പകർപ്പ് അനുബന്ധമായി ചേർക്കുന്നു.

സെക്ഷൻ ഓഫീസർ



കേരള ഗസറ്റ്
KERALA GAZETTE
അസാധാരണം
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
PUBLISHED BY AUTHORITY

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GOVERNMENT OF KERALA
Water Resources (MI) Department
NOTIFICATION

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

Dated, Thiruvananthapuram, 18th February, 2018.

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

Executive Engineer
Irrigation Division
Malampuzha - 678 651

RULES

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

(2) They shall come into force at once.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) in rule 7,—

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

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

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

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

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

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

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

(h) in rule 15,—

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

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

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

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

(iv) in sub-rule (10),—

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

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

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

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

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