

20-A. INSTRUCTION ON IRRIGATED AREA

Proceedings of the meeting held in the room of the Member, Board of Revenue on the 3rd May, 1977 to discuss as to how best the Cabinet decision No.7274 of 30th March, 1977 regarding demarcation of irrigated areas in canal irrigation project areas is to be implemented.

Present :-

1. Shri J.C. Talukdar, Member, Board of Revenue.
2. Shri S.K. Ghosh, Commissioner, Agricultural and Community Development Department.
3. Shri B.K. Banerjee, Engineer in Chief, Irrigation and Waterways Department.
4. Shri S.P.Sen, Chief Engineer, Irrigation (I)
5. Shri J.K. Dasgupta, Chief Engineer, Irrigation (II)
6. Shri S.K. Moitra, Deputy Secretary, Irrigation and Waterways Department.
7. Shri B.K. Sarkar, Director of the Land Records & Surveys.
8. Shri J.R. Saha, Secretary, Board of Revenue
9. Shri D.Basu Roy, Deputy Secretary, Land Utilization & Reforms and Land & Land Revenue Department.

In initiating the discussion, Member, Board of Revenue pointed out that the term "irrigated area" as defined in the Land Reforms Act meant areas which were or were capable of being irrigated not only by the State Canal Irrigation Projects but also by the State Owned deep Tube Well, shallow tube-well and river lift irrigation projects. As regards tube-well and river lift irrigation projects of the Agriculture and Community Development Department, though due water rates were being collected by the Department, the command areas of these projects were to be treated as non-irrigated areas for the purpose of the Land Reforms Act, until such time as legal notifications are issued by the Department. The controversy in regard to irrigated areas was, therefore, for the time being, restricted to area irrigated or capable of being irrigated by the State(Surface) Canal irrigation projects only.

2. The notifications of command areas so far published by the Irrigation and Waterways Department were studied and it was found that the notifications were vague. Even where the boundary of the command area touched the fringe of a mouza, the entire mouza had had irrigation water could never reach because of the higher level of such lands in relationship to the canal banks. It was therefore, decided that each of these notifications should be re-examined and the schedules of the command areas should be spelt out in more details to include not only the mouzas but also the plots and sub-plots of land actually irrigated or capable of being irrigated. In the alternative, separate notifications should be issued to exclude from command areas those mouzas or part mouzas or plots or sub-plots which were not or were not capable of being irrigated by the respective projects. Deputy Secretary, Irrigation & Waterways Department pointed out that it would be possible to exclude such areas under the proviso to sub-section (2) of section 5 of the West Bengal Irrigation (Imposition of water Rate) Act, 1974. The best valid and concise method for doing so should be settled in consultation with the law Officers of Government.

3. Commissioner, Agriculture and Community Development Department was of the view that while it would not be difficult to give relief to the raiyats in the matter of water rates, land revenue and food levy in respect of land excluded from command areas, the question of giving any relief to the raiyats whose ceiling area had already been determined on the basis of the command area notifications, in force, posed an intractable problem. Member, Board of Revenue suggested that in such cases the matter might be reviewed and even where the surplus lands had been distributed Govt. might consider acceptance in principle for settlement of other vested lands with the affected raiyats to make up the shortfall in the ceiling area lawfully retainable by them.

4. It was decided that the re-survey of the command areas of the canal irrigation projects as contemplated in the Cabinet decision should start after the elections and as soon as circumstances so permit. It was felt that it would not be possible for the Block Development Officer alone to survey and identify the plots irrigated. It was decided that the Survey Team should be composed of the B.D.O. Assistant Engineer, Irrigation and J.L. R.O. with such assistance as may be necessary. The Survey team would work under the supervision of the District Magistrate and the Executive Engineer who may also associate the Asst. Settlement Officer or the Charge Officer of the area. The reports of the Survey Team should be submitted through the District Magistrate to Government. In the matter of re-survey of

the command areas, priority should be given to the command areas of Mayurakshi, Kangasabati starting from Midnapore, Damodar Valley Corporation and Midnapore Canal Projects and the disputed areas should be surveyed first.

5. Availability of area maps was considered to be an essential pre requisite for re-survey of the command areas, Director of Land Records and Survey, however, assured the meeting that supply of maps should not pose any problem as tracing could be made from reference map at the Collectorate and supplied to the Team.

6. Commissioner, Agriculture and Community Development Department was of the view that the provisions of Section 14N of the W.B. Land Reforms Act which authorized the Sub-Divisional Land Reforms Officer to determine whether any land was or was not within an irrigated area should be deleted as it suffered from excessive delegation of powers. It was felt that as the command area notification are published under the authority of the Departments concerned, the Sub-Divisional Land Reforms Officer should not be allowed to sit in judgement over such notifications. It was, however, necessary that the Sub-Divisional Land Reforms Officer should be empowered to determine, in consultation with the command area authorities, whether in any particular year any particular land within a command area actually received irrigation water or not and a corresponding provision should be made to enable the Collector to charge land revenue at the rate applicable to non-irrigated area if any such land had not in fact received irrigation water during that year.

S.K.Ghosh,
Commissioner,
Agri, & C.D.Deptt.

B.K.Banerjee,
Engineer-in-Chief and ex-officio
Secretary, I &W Department,

J.C. Talukdar
Member
Board of Revenue

Calcutta, the 21st May, 1977

MEMORANDUM FOR THE MEETING OF THE ADVISERS

Brought by the Department of Land Utilization and Reforms and Land and Land Revenue for consideration of the next meeting of the Advisers.

D.Basu Roy,
For Secretary to the Govt. of West Bengal

MEMORANDUM

Sub : Demarcation of irrigated area.

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3. The recommendation taken in the meeting are -

(a) As regards tube-well and river lift irrigation projects though due water rates are being collected by the Agriculture and Community Development Department, the command areas of these projects are to be treated as "Non irrigated" areas for the purpose of the West Bengal Land Reforms Act until such time as legal notifications are issued by that Department.

(b) Each of the notifications of the command areas so far published by the Irrigation & Waterways Department in respect of Canal Irrigation Projects should be re-examined and the Schedules of the Command areas should be spelt out in more details to include not only the mouzas but also the plots and sub-plots of land actually irrigated or capable of being irrigated. In the alternative, separate notifications should be issued to exclude from the command areas those mouzas or part mouzas or plots or sub-plots which are not or are not capable of being irrigated by the respective projects.

(c) While it would not be difficult to give relief to the raiyat in the matter of water rates, Land revenue and food levy in respect of land excluded from command areas, the question of giving any relief to the raiyats whose retainable ceiling area had already been determined would be a tricky one. In such cases the matter may be reviewed and even where the surplus land had been distributed, Govt. may consider acceptance in principle settlement of other vested lands with affected raiyats to make up the shortfall in the ceiling area lawfully retainable.

(d) In the matter of re-survey of the command areas of the Canal Irrigation Projects which should start after the elections and as soon as circumstances so permit, priority may be given to the disputed areas within the command areas of Mayurakshi, Kangsabati starting from Midnapur, DVC. And Midnapore Canal Projects. The Survey Team may be composed of the Block Development Officer, Assistant Engineer, Irrigation and J.L.R.O. The team would work under the supervision of the District Magistrate and the Executive Engineer, Irrigation who may also associate the Asst. Settlement Officers or the Charge Officer of the area. Irrigation who may also associate the Assistant Settlement Officer or the Charge Officer of the area.

(e) Authority delegated to the Sub-Divisional Land Reforms Officer under the provisions of Section 14N of the W.B. L.R. Act to determine the irrigated area may be withdrawn. They may however, be empowered to determine in consultation with the command Area Authorities, whether in any particular year any particular land within a command area actually received irrigation water or not and a corresponding provision may be made to enable the Collector to charge land revenue at the rate applicable to non-irrigated area if any such land had not in fact received irrigation water during that year.

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