

**MAHARASHTRA WATER RESOURCES REGULATORY
AUTHORITY**

**PROCEDURE FOR REGULATION
&
ENFORCEMENT OF ENTITLEMENTS**

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**POWERS & FUNCTIONS
OF
REGULATORS
&
RESPONSIBILITY OF WRD OFFICIALS**

Oct. 2007

POWERS & FUNCTIONS OF REGULATORS

1. Provisions in the Act

Under Section 11 (a) of the MWRRA Act 2005, the Authority is to determine the distribution of Entitlements for various Categories of Use and the equitable distribution of Entitlements of water within each Category of Use on such terms and conditions as may be prescribed.

Under Section 11 (o) of the Act, the Authority is required to establish a system of enforcement, monitoring and measurement of the Entitlement for the use of water to ensure that the actual use of water both, in quantity and type of use, are in compliance with the Entitlements as issued by the Authority.

2. Technical Manual

The Authority had in January 2007 issued a technical manual for fixing, regulating and enforcing the Entitlements in Irrigation Projects (Pilot basis). Para 6.1 of the Manual requires the Authority to identify one officer in each project at an appropriate level to test check on delivery of Entitlements and sign in the gauge register in token of confirmation of delivery of due supplies.

3. Requirements for designation as Regulator

A Regulator will be an officer of the rank of Sub divisional engineer for major & medium irrigation projects and A.E. II / Sectional Engineer level for minor irrigation projects with a minimum of previous two years experience in irrigation management.

4. Powers and Functions of the Regulator

The Regulator on the recommendation of WRD, will be so designated by the Authority through written orders to monitor on behalf of the Authority the enforcement of Entitlements in any project. He should not be directly connected with the project, he is to monitor but will be from another project in the vicinity. The Regulator will discharge the following powers & functions.

- (i) He will directly report to the Authority in so far as monitoring of Entitlement is concerned.
- (ii) He will continue to be on the rolls of the project he is posted for purposes of pay and other allowances.
- (iii) He will check whether the measuring device (MD) is properly installed without leakages from sides and at entry & exit points.
- (iv) He will ensure that the calibration chart for MD is available with WRD staff and the WUA.
- (v) He will ensure compliance with instructions for calibration given in para 7 of the Technical Manual (Annexure1).
- (vi) He will ensure that all proforma prescribed in the Technical Manual are available in register form with WR department and WUA.

- (vii) During each rotation of about 15 days, he will make atleast 3 random checks of hourly gauge reading of the MD between 8 am & 17.00 hours and record on gauge field book (at Annexure 4 of the Manual) and sign in the form in the appropriate column in acceptance of correctness of the gauge after actual verification of the reading. If there is an error in the reading observed by WR department as becomes evident during his test check, he will bring it to the notice of the WR staff & WUA for due correction.
- (viii) If the quantum supplied in any rotation is short by 15% - 20% of the agreed quantum, he will issue a pink slip (Annexure II) to the WR Department directing for making good the shortfall in subsequent rotation.
- (ix) He will record any remarks in forms 5 (1), 5 (2), 5 (3) giving actual volume supplied in each season against applicable Entitlement.
- (x) He will bring to notice of the Director (EER), MWRRA by e-mail if irrigation is not done from tail to head.
- (xi) He will direct to WR department official that a copy of Annexure 4 & 5 (1)/ 5 (2) / 5 (3) as applicable be sent by e-mail directly to the Director (EER), MWRRA & ED of the RBA within 2 days of completion of each rotation.
- (xii) He will send an assessment report at the end of the season to the Director (EER), MWRRA and ED, RBA giving his general observations about water management in the season and compliance of instructions issued by him to the WR department including any irregularity or mal-practice observed on site and any other issue / point he wishes to bring to the notice of the Authority & RBA.

5. Responsibilities of the WR Department / RBA

The project irrigation in-charge will ensure that the following are made available to the Regulator at the beginning of the season

- (i) applicable water use Entitlement as finalized by RBA/WRD.
- (ii) rotation schedule as finalized by WRD / RBA & WUA jointly viz. no. of rotations, duration and quantum per rotations including any changes in the schedule..
- (iii) calibration chart of MD.
- (iv) he will ensure that required assistance to the Regulator by way of support staff, stationery etc. are provided and all expenditure on this account will be borne by the project / department.

6. Dispute Resolution

Remarks of the Regulator on the annexures 4, 5 (1), 5 (2), 5 (3) as the case may be shall form a basis for resolving the disputes in case of issuance of applicable entitlement.

The Regulator will be present during hearing of dispute resolution as may be required by Primary Dispute Resolution Officers (PDRO) and hearing of appeal as may be required by the Authority. The Regulator will also make himself available at site during inspection of senior officers from the Authority & WRD.

7. Term of Regulator

The regulator for a project will be rotated by the Authority every 2 years to ensure effective regulation and monitoring.

8. Integrity

In the discharge of his functions, the Regulator will observe the highest levels of integrity and maintain his independence in decision making uninfluenced by views / pressures of Irrigation staff or WUA since his remarks in Annexure 4, 5 (1)/ 5 (2)/ 5 (3) will form the basis for resolving disputes.

Annexure-I

1.0. CALIBRATION AND FLOW MEASUREMENT

- 1.1. Measuring Devices (MD) of standard make shall be installed at strategic locations such as head of minor, distributary, branch and main canal from where sanctioned Entitlement is to be given to a water user association. The common types of MD are Weir, Parshall Flume and Cut throat flume where the rate of flow is a function of the head. All these devices give accurate results when constructed, installed and operated properly. The procedure / specifications stipulated by the manufacturer should be adhered to. MD should be installed in straight reaches with tranquil and symmetrical approaching flow. Sand, gravel, sediment and other obstructions can cause unsymmetry.
- 1.2. All calibration are ideally done at beginning of rabi season. Table below indicates level of responsibility for calibration. In all cases, the date and time of calibration, results, corrective measures/adjustments done to MD to obtain the rated discharge should be entered in the gauge discharge table enclosed with Annexure 4 of the Entitlement register.

Location of MD	Officer responsible for calibration	Remarks
Head of minor in a major, medium or minor project	SDO	i. Recording to be signed by SDO, SO & WUA representative. ii. 10% or minimum one calibration to be checked by EE
Head of main canal of medium project and branch canal of major & medium projects	EE	iii. Recording to be signed by EE, SDO iv. 10% or minimum one calibration to be checked by SE.
Head of main canal for major project	SE	v. Recording to be signed by SE, EE

- 1.3 Vigilance and Safety : Care should be taken to see that the Measuring Device is not tampered by any miscreant nor any malpractice done in its operation Watch shall be kept both by WUA and the project authority. If it is found that M.D. is tampered with, action shall be taken as stipulated in the clause 60, 61 and 62 of the Maharashtra Management of Irrigation System by Farmers (MMISF) act XXIII of 2005.
- 1.4 The gauge discharge table/in volume shall be available with the measurer, Canal Inspector (C.I.), Sectional Officer (S.O.) and also with the concerned WUA.
- 1.5 Daily reading as stipulated in Annexure-4 of this Technical Manual shall be recorded in the bound “gauge field book of water use” with the dated signature as mentioned in the Annexure 4.
- 1.6 In addition to above instructions incorporated in the Annexure-3 of the MMISF rule dated 8th June 2006, (now enclosed with this manual as Annexure – 11) shall also be scrupulously followed.

Annexure II

PINK SLIP

1. Name of WUA & Registration No. :
2. Season :
3. Applicable Water Use Entitlement
4. Rotation No. : 1 / 2 / 3 / 4 –
5. Volumetric supply jointly (WUA & WRD) agreed to be supplied in the rotation :
6. Volumetric supply actually made in the rotation :
7. Shortfall in supply :
8. Volumetric supply indented to WUA in next rotation No. :
9. Enhanced volumetric supply to be made in next rotation No. :
({short fall at (7) + Indent at (8)})

Signature of Regulator :

Date :

Copy to

- i) WUA
- ii) Sectional Engineer / Assistant Engineer
- iii) Sub Divisional Engineer
- iv) Executive Engineer
Regulator's Office copy.

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