

KERALA IRRIGATION WORKS (EXECUTION BY JOINT LABOUR) ACT, 1967 (NO.20 OF 1967)

91 THE KERALA IRRIGATION WORKS (EXECUTION BY JOINT LABOUR) ACT, 1967 (Act 20 of 1967) CONTENTS Preamble. Sections 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12

13. Short title and extent. Definitions. Procedure on failure to contribute cost or labour for work to be done by joint labour. Dewatering, etc., of Padasekharam. Work not to be executed if majority of proprietors do not want the work to be executed. Powers of District Collector, Punja Special Officer and officer authorised under section 3 or 4. Appeal. Revision. Recovery of money. Protection of action taken in good faith. Officers and persons performing functions under the Act to be public servants. Power to make rules. Amendment of Travancore—Cochin Act, 1956 (VII of 1956). THE KERALA IRRIGATION WORKS (EXECUTION BY JOINT LABOUR) ACT, 1967 * (Act 20 of 1967) An Act to provide for facilitating the execution of certain works connected with irrigation, flood-control or drainage for purposes of agriculture, to be done by the labour of cultivators, in the State of Kerala. Preamble.— WHEREAS it is expedient to provide for facilitating the execution of certain works connected With irrigation, flood-control or drainage for purposes of agriculture, to be done by the joint labour of cultivators, in the State of Kerala ; Published in the Kerala Gazette Extraordinary No. 174, dated 4th September, 1967. 92 BE it enacted in the Eighteenth Year of the Republic of India as follows 1. Short title and extent —(1) This Act may be called the Kerala Irrigation Works (Execution by Joint Labour) Act, 1967. (2) It extends to the whole of the State of Kerala

2. Definitions.—In this Act, unless the context otherwise requires,— (a) majority of proprietors means the proprietors of more than one-half of a padasekharam ; (b) " padasekharam means collection of paddy fields continuously situated, whether owned by one person or two or more persons, (c) " prescribed " means prescribed by rules made under this Act ; (d) proprietor means the owner of any paddy field in a padasekharam and includes the cultivator or person in actual possession of such field ; (e) Punja Special Officer " means an officer appointed by the Government to exercise the powers and discharge the duties of a Punja Special Officer under this Act ; (f) "work" includes the putting up of ridge bunds and drainage of water

3. Procedure on failure to contribute cost or labour for work to be done by Joint labour.—(1) Whenever, by local custom or for other good reason, any work connected With Irrigation or drainage for purposes of agriculture in a padasekharam should be done by the joint labour or cost of the proprietors of all the fields benefited by such work, if any such proprietor fails or neglects to do his share of the work or contribute his share of the cost or labour, it shall be lawful for the District Collector, the Punja Special Officer or any other officer authorised by the Government in this behalf, on the application of one or more of the proprietors interested in such work or injured or likely to be injured by such failure or neglect, to investigate the matter and pass such order as he deems fit, and he may by such order also direct the defaulting proprietor to execute any portion of the work or pay any portion of the cost of the work. (2) If an order under sub-section (1) directs that the defaulting proprietor shall execute a portion of the work, it shall distinctly specify the portion of the work to be executed, the time within which it should be done, and the estimate of the cost of such work prepared in such manner as may be prescribed. (3) On the defaulting proprietor refusing or failing to execute such work within the time fixed in the order, the work may be executed under the order of the District Collector, the Punja Special Officer or 93 such other officer authorised as aforesaid, and the cost thereof may be recovered from such defaulter

4. Dewatering, etc., of Whenever one or more of the proprietors of a padasekharam applies or apply to the District Collector, the Punja Special Officer or any other officer authorised by the Government in this behalf, to arrange for dewatering that padasekharam for the purpose of paddy cultivation, it shall be lawful for the District Collector, the Punja Special Officer or such other officer to arrange the dewatering of such padasekharam and to recover the cost thereof from all the proprietors. (2) The District Collector, the Punja Special Officer or other officer arranging the dewatering of any padasekharam under sub-section (1) or any person or persons authorised by him to execute such dewatering shall, notwithstanding anything contained in any other law for the time being in force, have power to enter upon any land and install any machinery

for the purpose of such de-watering and to execute any temporary work incidental thereto. (3) When any portion of the bund in any padasekharam has not been constructed or repaired properly, it shall be lawful for the District Collector, the Punjab Special Officer or any other officer authorised by the Government in this behalf to carry out the construction or repair and to recover the cost thereof from the proprietors liable to carry out such construction or repair. (4) Whenever cultivation in any padasekharam or in any field in any such padasekharam is likely to be affected due to want of proper irrigation or drainage facilities, the District Collector, the Punjab Special Officer or any other officer authorised by the Government in this behalf, shall have power to arrange to execute any temporary works for removal of obstruction to existing vachals, deviation of vachals, provision for new vachals or such other temporary works as are essential to irrigate or drain the padasekharam or the field. (5) The District Collector, the Punjab Special Officer or other officer arranging any temporary work under sub-section (4) shall, notwithstanding anything contained in any other law in force, have power to enter upon any land and to do such work. (6) The cost incurred for the execution of any temporary work under sub-section (4) shall be recoverable from the parties liable to do such work.

5. Work not to be executed if majority of proprietors do not want the work to be executed.—Notwithstanding anything contained in sections 3 and 4, the District Collector, the Punjab Special Officer or the officer authorised by the Government shall not execute any work under the said sections, if the majority of the proprietors to be benefited by the work intimate to the District Collector, the Punjab Special Officer or the officer authorised, in writing, that they do not want the work to be executed.

6. Powers of District Collector, Punjab Special Officer and officer authorised under section 3 or 4.—The District Collector, the Punjab Special Officer or any officer authorised by the Government under section 3 or section 4 may, subject to the provisions of section 5, exercise such powers and perform such duties as may be prescribed for the collective benefit of the majority of proprietors in matters connected with irrigation. 7. A person aggrieved by any order of the District Collector, the Punjab Special Officer or any officer authorised by the Government under section 3 or section 4 may, within such time as may be prescribed, appeal to the Government, or to any officer specially authorised by the Government in this behalf by notification in the Gazette, against any such order, and the Government or such other officer, as the case may be, may thereupon pass such orders as they or he think or thinks just and reasonable, after giving notice to the party affected and hearing him, if he appears.

8. Revision.—It shall be lawful for the Government to revise any order of the District Collector, the Punjab Special Officer or an officer authorised by the Government under section 3 or section 4 or any order of the officer specially authorised under section 7 and to pass such orders as are in their opinion just and reasonable, after giving notice to the party affected and hearing him, if he appears.

9. Recovery of money.—Without prejudice to any other mode of recovery, any sum of money payable under the provisions of this Act may be recovered from the defaulting proprietor as arrears of public revenue due on land under the provisions of the Revenue Recovery Act for the time being in force. 10. Protection of action taken in good faith. No suit, prosecution or other legal proceedings shall lie against the Government or any officer or person performing any functions in the implementation of the provisions of this Act, for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act or any rule or order made thereunder. (2) No suit or other legal proceedings shall lie against the Government or any officer or person performing any functions in the implementation of the provisions of this Act, for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act or any rule or order made thereunder. 11. Officers and Persons Performing functions under the Act to be public servants. —Any officer or person performing any functions in the implementation of this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. 12. Power to make rules,—(1) The Government may, by notification in the Gazette, make rules to carry out the purposes of this Act. (2) Every rule made under this Act shall be laid as soon as may be after it is made before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect,

as the case may be; 80 how- ever that any such modification or annulment shall be without ejudice to the validity of anything previously done under that rule

13. Amendment of Travancore-Cochin Act VII of 1956.—Section of the Travancore-Cochin Irrigation Act, 1956 (VII of 1956), shall be omitted.

