

BHAVANI RESERVOIR IRRIGATION CESS ACT, 1933

1933; .T.N., Act XU Bhavani Reservoir Irrigation Cess. 351 THE BHAVANI RESERVOIR IRRIGATION CESS Act, 1933. TABLE OF CONTENTS. SECTIONS. 1. 2. 3. 4. 5. 6

7. Short title, extent and commencement. Levy of water-cess on lands allowed to be irrigated from the Bhavani Reservoir. Permits, Sections I-A and 2 of the Tamil Nadu Irrigation Cess Act, 1865, to apply. Exclusion of jurisdiction of civil courts. Rules. Saving as to water-cess leviable under the Tamil Nadu irrigation cess Act, 1865. Short title, Extent and Commencement. 332 Bhavani Reservoir Irrigation Cess Act, 1933: Act XW 2[TAMIL NADU] Act No. XVI OF 1933.2. (THE BHAVANI IRRIGATION CESS Act, 1933.) (Received the assent of the Governor on the 25th April 1933, and that of the Governor-General on the 15th May 1933; the assent of the Governor-General was first published in the Fort St. George Gazette on the 23rd May 1933.) An Act to provide for the levy of water-cess on lands irrigable from the Bhavani Reservoir. WHEREAS the Government propose to construct a reservoir on the Bhavani river near its junction with the Moyar river in order to provide water to supplement rainfall for the irrigation of crops; AND WHEREAS it is necessary in order to safeguard the Government revenue that the payment of water-cess in respect of all lands the irrigation of which from the reservoir is permitted should be made obligatory whether the water is taken or not; AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act; It is hereby enacted as follows :— 1. Act may be called the Bhavani Reservoir Irrigation Cess Act, 1933. These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969. For Statement of Objects and Reasons, see Part IV of the Fort St. George Gazette, dated the 24th January 1933, pages 9-10; for Report of Select Committee, see Proceedings of the Madras Legislative Council Volume LXVI, pages 776-780; for Proceedings in Council, see Ibid, Volume LXIV, pages 418-419 and Volume LXVI, pages 742-746. The provisions of sections 2 to 7 of this Act shall apply in respect of all lands to which the Mettur Canal Irrigation Cess Act 1953 (Tamil Nadu Act XVII of 1953) extends by virtue of section 2 of latter Act. The word "dry" omitted by section 2 of the Bhavani Reservoir Irrigation Cess (Amendment) Act, 1952 (Madras Act of 1952 1933:T.N. ActXVI] Bhavani Reservoir Irrigation Cess 353 [Tamil Nadu] Act Of 1865. (2) It extends to all lands the irrigation of which from the Bhavani Reservoir (hereinafter called the reservoir) is allowed by or under the orders of the [State Government] but does not extend to any land which on the date this Act comes into force is entitled to irrigation with water of the Bhavani river, or any other source belonging to or constructed by, or on behalf of, the [Government]]. (3) It shall come into force on such date as the [State Government] may by notification in the [Official Gazette] appoint

2. Notwithstanding anything contained in the Levy Of Tamil Nadu Irrigation Cess Act, 1865, it shall be law- on lands water-cessful for the [State Government] to levy every fasli water- allowed to be cess on all lands the irrigation of which from the irrigated from the Bhavani reservoir is allowed by or under the orders of the [State Government], whether such lands are actually irrigated with water from the reservoir or not; and the [State Government] may by rule prescribe the conditions under which and the rates at which such water-cess shall be levied; Provided that the water-cess shall not be levied under this Act on any land unless a permit has been The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950. These words were substituted for the words "by the Local Government" by the Adaptation Order of 1937. This word was substituted for the word "Crown" by the Adaptation Order of 1950. • These words were substituted for the words "Fort St. George" by the Adaptation Order of 1937. These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969. *Came into force on the 23rd May 1933. "11 354 Bhavani Reservoir (1933 TN. Act XW Irrigation Cess is used in respect thereof under section 3 and unless such permit is in force: Provided further that the rate of water-cess charged under this Act [shall] not exceed twenty rupees per acre in the case of cotton, fifteen rupees per acre in the case of paddy, seven rupees and eight annas per acre in the case of millets, and such rate as may, from time to time, be notified by the [State Government] in the case of any other crop permitted under section 3]. 3. (1) Permit shall be issued in

respect of all lands the irrigation of which from the reservoir is allowed by or under the orders of the 2[State Government]. (2) Every such permit shall be issued by such authority and shall be in such form as the *C State Government] may by rule prescribe and shall specify the conditions under which the land in respect of which it is- issued may be irrigated, 8[and such conditions may relate to the period in every fasli during which the land may be irrigated, the crop or crops which Inay be grown on the land, and the source through which water may be taken for irrigation]: Provided that where the T State Government] by notifiotion in the district gazette so direct a permit shall not be issued under this sub-section in respect of any land after the date specified in such notification in that behalf except on payment of such fee and on such other terms and by such authority as the '[State Government] may by rule prescribe. These words were. subtitit.uled for the word* ' 'shall in no case exceed nine rupees per acre by section 3 of the Bhavani Reservoir Irrigation Cess (Amendinent) Act, 1952 (Madras Act V of 1952). * The words ' 'Provincial Governntent" were substituted for the words ' 'Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by tha Adaptation Order of 1950. 8 These words were substituted tor the words "and in part icular the period in every fagli during which such land may be irrigated and the source through which water may taken for such irrigation 'P. by section 4 of the Bhavani Reservoir Irrigation Cess (Anwndment) Acti 1952 (Madras Act V of 1952). 355 1933: T.N. Act XVI Bhavani Reservoir Irrigation Ce,8S (3) Every permit issued under sub-section (2) shall be served on, or tendered to, the registered holder of the land in respect of which it is issued, in such manner as the i[State Government] may by rule prescribe. (4) The registered holder may, within three months from the date on which the permit is so served on, or tendered to, him, apply to the Collector of the district for the cancellation or modification of the permit on the ground that it is not advantageous to irrigate such land or any specified portion thereof either on account of the rate of water-cess prescribed by the Government] or for any other reason such as the unsuitability of the water for the soil or for the crop usually grown on the land. Against the order of the Collector on such application, the registered holder may, within three months from the date of the order, appeal to the Board of Revenue Which may pass such order on the appeal as it thinks fit. The registered holder shall not be entitled to call. such permit in question except in (he proq ided in this sub-section. (f) Any vermit issue .. under this .Act, may, by order, Fe cancelled or modified at any time h)' authority as the 21 State Government] may by rule prescribe. (6) Every permit issued under this Act with such modifications, if any, as may be made therein under sub-section (4) or sub-section (5) shall— (a) remain in force until it is cancelled under either of the said sub-sections ; and (b). be binding on the registered holder as well as the owner of the land, for the time being. Tho words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word ' 'State" was substituted for "Provincial" by the Order of 1950. 356 Bhava* Reervoir Irrigator Cess [1933: T.N. Act xvl and 2 of the Nadul Cess Act, 1865, to aPPLY• Exclusion of jurisdiction of civil courts. R ulB

4. The provisions of sections I-A and 2 of the '[Tamil Nadu] Inigaüon Cess.1865., shallt app'y NaduJ to the levy of water-cess under this Act tas lif it were Act a levied under the 1[Tamil Nadu]; Irrigation cess of 198 Act. 1865

5. No Civil Court shall take cognizance of any suit or proceeding brought by any person questioning the rate of water-cōs levied under this Act or the liability of any person to pay •such cess or any order passed under section 3: Provided that nothing in this section shall prevent any person from obtaining, in the Civil Court any relief to which he may be entitled on the ground that he is not liable to pay any such cess he is neither the registered holder nor the owner of the land in respect of which the levy has been made or on the ground that the land in respect of which the levy has been made is entitled on the date on which this Act comes into force to irrigation with water of the Bhavani river, or any other source belong- ing to or constructed * [by, or on behalf of, the '(Government)]

6. The '[State Government] may, by notification in the 5[Official Gazette] make rules consistent with this Act to carry into the purposes thereof.' These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969. * These words were substituted for the words the Govern• ment " by the Adaptation Orde', of 1937, This word was substituted for the word "Crown " by the Adaptation Order of 1950. wore " Local was substituted for Provincial " by the tE •ord " State" A&ptatbp pt,i9S0p, s fbr 'fthD'l Worts l' F?rt 'SW George 1937' " AqtfXX1] Reservoir Irrigation Cess 357 1 Safr.g ag to 7. Nothing in this

Act shall operate as a bar to the levy of water-cess under the •11 Tamil Nadu] leviabale un&r the Irrigation Cess Act, 1865, for any water taken or .t[Tamil Act used otherwise than under and in accordance with the terms of a permit in force issued under this Act. czs Act, 1865. These words were substituted for the word " Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

