

TAMIL NADU IRRIGATION (VOLUNTARY CESS) ACT, 1942

1942 : TN. Act XI of 1942 Irrigation (Voluntary cess) 853 [TAMIL NADU] ACT No. 11 OF 1942. [THE (TAMIL NADU) IRRIGATION (VOLUNTARY CESS) ACT, 1942.1 (Received the assent of the Governor on the 8th June, 1942 ; first published in the Fort St. George Gazette on the 23rd June 1942.) An Act to provide for the levy of a voluntary cess for the maintenance of certain irrigation and drainage works serving ryotwari tracts in the State of Tamil Nadu]. WHEREAS it is expedient to provide for the levy of a cess for the maintenance of certain irrigation and drainage works serving ryotwari tracts in the State of Tamil Nadu, where the registered holders of not less than two-thirds of the lands served by such works so is hereby enacted as follows : 1. (1) This Act may be called the Tamil Nadu Short title, extent and irrigation (Voluntary Cess) Act, 1942. commencement. I 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 Statutory Objects and Reasons, see Fort St. George Gazette, dated the 9th 1941—Part V-A, pages 187-189, This Act was extended to the merged State of Pudukkottai by section 3 of, and the First Schedule to, the Tamil Nadu Merged States (Laws) Act, 1949 (Nadu Act XXXV of 1949). This Act was extended to the Kanyakumari district and the Shencottah taluk of the Tirunelveli district by section 28 of the Tamil Nadu (Transferred Territory) Ryotwari Settlement Act, 1964 (Tamil Nadu Act 30 of 1964) repealing the corresponding law in force in that territory. 3 This expression was substituted for the expression "Province of Madras" by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969. 4 These words were substituted for the paragraph containing the enacting formula and the paragraph preceding that paragraph by section 5 of the Tamil Nadu Re-enacting (No. 1) Act, 1948 (Tamil Nadu Act 1948). Definitions. 954 irrigation (Voluntary Cess) [1942: T.N. Act (2) It extends to the whole of the State of Tamil Nadu]. (3) This section shall come into force at once, and the rest of this Act shall come into force on such date as the Government may, by notification in the Fort St. George Gazette, appoint

2. In this Act, unless there is anything repugnant in the subject or context- (1) 'drainage work' includes— (a) channels, either natural or artificial, for the discharge of waste or surplus water, and all works connected with or auxiliary to such channels, and (b) escape channels from an irrigation work, dams, weirs, embankments, sluices, drains and all works for the protection of lands from flood or from erosion, which are owned or controlled by the Government or which are maintained by them otherwise than by an assignment of land or land revenue, or which, having been constructed by the Government or being maintained by an assignment of land or land revenue have not been made over to any person but does not include works for the removal of (2) 'estate' shall have the same meaning as in the Tamil Nadu Estates Land Act, 1908; [Tamil Nadu Act 1 of 1908. i This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, as intended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969. 2 Came into force on the 16th May 1944. 8 This word was substituted for the word "Provincial" by the Adaptation Order of 1950. 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. 1941: T.N. Act XI of 1942 Irrigation (Voluntary Cess) 855 (3) work' includes— (a) all canals, channels, tanks, wells and reservoirs used for the supply or storage of water and all works, embankments and structures (other than escape channels) connected therewith, which are owned or controlled by the Government, or which are maintained by them otherwise than by an assignment of land or land revenue, or which, having been constructed by the Government or being maintained by an assignment of land or land revenue made by them, have not been made over to any person, (b) all such lakes and other natural collections of water or parts thereof as are not situate in an estate or estates or on lands held by registered holders ; (c) all lands used for the purposes of the irrigation works referred to in sub-clauses (a) and (b) and all buildings, machinery, fences, gates and other erections occupied by, or belonging to, the Government on such lands ; and (d) all such rivers and natural streams or parts thereof as are not situate in an estate or estates or on lands held by registered holders, and all rivers in so far as they are navigable ; (4) 'registered holder' means

any person in whose name land not included in an estate is for the time being registered in the revenue accounts of Government

3. Whenever the registered holders of not less than two-thirds of the lands served by any irrigation or drainage work so desire, the 1[State] Government may under the Act.levy an annual cess from all the registered holders of lands served by such work, at such rate per acre as the 1[State] Government may from time to time determine, but not exceeding the maximum rate agreed to by the registered holders of not less than two-thirds of the lands served by such work : 1 This word was substituted for the word "Provincial" by the Adaptation Order of 1950. ner of etermining and administer-ing cess. Payment and recovery of the cess. Cancellation of the cess. District Collector to determine certain questions. Savings. Bar of jurisdiction of Civil Courts. Hvided that no cess shall be levied under this section unless ttE maximum rate aforesaid has been published in the village or villages concerned

4. The cess shall be determined and administered in such manner as may be prescribed by rules made under this Act

5. The cess shall, on demand, be payable by the registered holder or any of the joir:t registered holders, as the case may be, and if not paid, may be recovered from such holder or any of such holders, as if it were an arrear of land revenue

6. The I[State] Government may at any time cancel the levy of the cess or reduce the rate at which it is being levied, and shall do so, whenever the registered holders of not less than two-thirds of the lands served by such work so desire.In the latter cage, the cancellation or reduction shall take effect on such date as the 1[State] Government may direct not being later than the conunencelüent of the revenue year next succeeding

7. If any question arises as to whether any land is or is not served by an irrigation drainage work it shall be referred to the D.istrictCollector whose decision shall be final

8. Nothing in this Act shall afüect the rights and obligations of the registered hold ers of lands served by any work to which the 21 Tamil Nadu] Compulsory Labour Act.1858, applies, provide i that no cps.mary Central aid shall be requisitioned under section 6 orthe said 1858. Act during any period in respect of a cess is levied under this Act

9. No Civil Court shall have authority to take into consideration or decide any question as to the validity or rate of any cess levied under this Act.i This word was substituted for the word "Provincial" by the Adaptation Order of 1950. a These words for the word " Madras" by the Tamit Nadu Adaptation of 'Laws Order 1959,' as amended the Tanil adu Adaptation of L's (Scoa émendment) Order, {969. 1'9Z2:h.N. xtlll trrigatton (Voluntary cess) 85 10. (1) The 1[State] Government•may make rules to Power tO carry out all or any of the purposes of this Act and not make rules inconsistent therewith. (2) In particular and without prejudice to the generality of the foregoing power, they may make rules as to- (a) the manner in which, and the authority or authorities through whom, applications from registered holders under section 3 or section 6 shall be submitted to the 1[State] Government ; (h) the method of ascertaining the desire of the registered holders of any land where there are two or more registered holders of such land, for all or any of the purposes specified in' this Act or in the rules made thereunder , (c) the determination and the administration of any cess levied under this Act, (3) All rules made under this section shall be published in the Fort St. George Gazette, and upon such publication, shall have effect as if enacted in this AcL, i This word was substituted for khe word ' 'Provincial" by Adaptation Order of 1950.