

TAMIL NADU IRRIGATION WORKS (REPAIR, IMPROVEMENT AND CONSTRUCTION) ACT, 1943

Irrigation Works [190: T.N. Act xvm 886 (Repairs, Improvement Qtd ConMruction) THE TAMIL NADU IRRIGATION WORKS (REPAIRS, nQROVEMENT AND. CONSTRUC- SECTIONS. 2 3 4 5 6 7 8 9 10 12 TION) ACT, 1943. TABLE OF CONTENTS. Short title and extent Power to repair, improve and construct irrigation works and to supply water from Government irrigation works. Recovery of the cost and of fees. Cost and fees payable on issue Of written notice of demand. Cost and fees recoverable as an arrear of land revenue. Power of entry and inspection. Delegation of the powers of the State Government. Jurisdiction of Courts ousted in certain cases. Bar of certain proceedings. Limitation for certain proceed- ings. Power to make rules, Act to override other enact ments. 1943: T.N, Act Irrigation Works (Repairs, 881 Improvement and Construction) ItTAMIL NADUJ ACT OF 1943' AS AMEN- DED BYI[TAMIL NADUJ ACT No. OF 1945. [THE i[TAMIL NADUI IRRIGATION WORKS (REPAIRS, hTROVEMBNT AND CONSTRUCTION) ACT, 1943.] (Received the assent of the Governor on the 29th September 1943; first published in the Fort St. George Gazette on the 5th October 1943.) An Act to provide for the repair or improve- ment of private irrigation works, the construction of new irrigation works on private lands and lthe supply of water from Government to private irrigation works, in the 3[State of Tamil NaduJ. WHEREAS it is expedient * I to empower the 6[State Government) to repair or improve private irrigation works, to construct new irrigation works on private lands, to supply water from Government irrigation works to private irrigation works, , 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. 2 ForStatementofObjectsand Reasons, seoFort St. George Gazette, dated the 20th April 1943, Part IV-A, pages 19-20. Ih.is Act was extended to the merged State of Pudukkottai by section 3 of, and the First Schedules to, the Tamil Nadu States (Laws) Act, 1949 (Tamil Nadu Act XXXV of 1949). This Act was extaded to the Kanyakumari district and the cottah taluk ofthe Tirunelveli dis trict by section 28 ofthe Tamil Nadu (Transferred Territory) Ryotwari Settlement Act, 1964 (Tamil Nadu Act 30 of 1964) repealing the corresponding law in force in that territory. s This expprsion was substituted for the expression " Province of Madras " by the Tamil Nadu Adaptation of Laws Order, 1970, which was demed to have come into force on the 14th January 1969, The words " for the purpose of maintaining and increasing the production ot food in the present emergency in the proviawe of Madras " were omitted by secdon 3 of, and the Second Schedule to. theTamil Nadu Re-enacting (No. 11) Act, 1948 (Tamil Nadu Act of 1948). This expression wag substituted for the expresgion " Provincial Government " by the Tamil Nadu Adaptation of Laws Order, 1970. Short title and extent. Pow« to repair, improve and construct irrißtion works and to supply watar from Government irrigation works. SSS Irrigation Works (Repairs, Act xvn• Improvement and Construction) recover the cost of doing• so in the cases aforesü. •... [it is hereby enmted as follows 1. (1) This Act may be called the 2[Tamil Nadu] Irrigation Works (Repairs, Improvement and Con- struction) Act, 1943. (2) It extends to the whole of the 3[State of Tamil Nadu]. 2. If, in the opinion of the 41State] Government, it is necessary or expedient so to do * * J, they may— (a) execute or cause to be executed, repairs to any irrigation work in private ownership which is not '•working at maximum emciency ; (b) improve or cause to be improved, any irrigation work in private ownership ; (c) construct or cause to be constructed, a new Nadu] irrigation work on G[land situated in an estate as Act I of defined in the 2[Tamil Nadu] Estates Land Act, 1908]; 1908. Theso words wore substituta.l for the paragraph containing the enacting forntula and the paragraph preceding that paragraph by section 5 of tho Tamil Nadu Re-enacting (No. 11) Act, 1948 (Tamil Nadu Act of 1948), - These words were substituted for the word " Madras " by the Tan-il Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Orde, 1969. This oxpr«ion was substituted for the expression " State of Madras " by ibid. This word was substituted for the word i' Provincial" by the Adaptation Order ofl 950, Tha words " in order to maintain or increase the producdon of food in the Province " wore omitted by section 3 of, and the Second to, the Tamil Nadu Re-enacting (No. ro 1948 (Tamil Nadu Act of 1948). Thöe words wore substituted for the words " laced' being Crown property " by section 2 (i) of the Madras rrrigation Works (Repairs, Improvanent and Act, 1.945 (Madras Act of 1945), Central Act I of 1894. 2[Tami] Nadu] Act I of 1908. Impiovement and Consruction) '[(cc) acquire in accordance with the

provisions of the Land Acquisition Act, 1854; any land in an estate as defined in the Tamil Nadu Estates Land Act, 1908, necessary for the purpose of constructing a new irrigation work, if the work is intended to serve lands situated in two or more estates as so defined or partly lands situated in such estate or estates and partly lands in ryotwari tracts, and construct or cause to be constructed the irrigation work on the land which has been acquired ;] (d) provide for the supply of water from any Government irrigation work to any irrigation work in private ownership. 3 (1) The [State] Government shall Recovery of the cost and (a) meet in the first instance the cost of the of fees. measure referred to in '[clause] (a), (b), or (c) of section (b) determine the amount of such cost after the execution of the said measures. '[1-A) In the cases referred to in clauses (a) and (b) of section 2, the [State] Government shall be entitled to recover in a lump-sum the amount determined under clause (b) of sub-section (1) from the i This clause was inserted by section 2 (ii) of the Madras [Irrigation Works (Repairs, Improvement and Construction) Amendment Act, 1945 (Madras Act of 1945). 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. 8 This word was substituted for the word " Provincial" by the Adaptation Order of 1950, 4 This word was substituted for the word ' clauses by section 4 of, and the Third Schedule to, the Tamil Nadu Repealing and Amendment Act, 1957. In so far as the added territories are concerned, the above amendment was made by section 4 of, and the Second Schedule to, the Tamil Nadu (Added Territories) Extension of Laws Act, 1962 (Tamil Nadu Act 14 of 1962). Clause (c) was omitted by section 3(i) of the Madras Irrigation Works (Repairs, Improvement and Construction) Amendment Act, 1945 (Madras Act IV of 1943). Subsections (I-A) to (I-D) were "ction3, di)..bU. 890 Irrigation Works (Repairs, (1943 : T.N. Act Improvement and Construction) landholder or other who by any law or custom is bound to keep the irrigation work in repair.. • (I-B) In the case referred to in clause (c) of section 2, the [State] Government shall be entitled to recover in a lump-sum from the landholder on whose land the new irrigation work has been constructed— (i) if the irrigation work is intended to serve exclusively lands situated in the estate, the cost of the measure as determined under clause (b) of sub-section (1) ; (ii) if the work is intended to serve partly lands situated in such estate and partly lands in ryotwari tracts, such proportion of the cost of the measure as determined under clause (b) of sub-section (1) as the extent of the lands in the (estate served by the irrigation work bears to the total extent of the lands served by the work : Provided that the amount recoverable under this sub-section shall not exceed the value capitalized at four per cent of the average net additional annual income estimated by the [State] Government as likely to be derived by the landholder as a result of the construction of the irrigation work. (I-C) (a) On the expiry of five fasli years after the completion of the irrigation work, the [State] Government shall determine the value capitalized at four per cent of the actual amount of the average net additional annual income derived by the landholder as a result of the construction of the irrigation work during the said fasli years. (b) If the value determined under clause (a) exceeds the amount recovered from the landholder under sub-section (I-B), the difference shall be recovered from him and if such value is less than the amount recovered from him, the difference shall be refunded to him. This word was substituted for the word " Provincial " by the Adaptation Order of 1950. 1943: T.N. Act xviii Irrigation Works (Repairs, 891 Improvement and Construction) (1-1)) The irrigation work referred to in clause (ii) of sub-section (I-B) shall be maintained by the landholder and the cost of maintenance shall be shared between the landholder and the [State] Government in the proportion in which the cost of the work has been shared.] (2) In the cases referred to in clauses (b) and (c) of section 2, where the [person liable under sub-section (I-A) or sub-section (I-B)] to pay the cost of the measures is the landholder of an estate as defined in the '[Tamil Nadu] Estates Land Act, 1908, he shall 3CTali be entitled to apply under clause (ii) of section 30 of the said Act for an enhancement of the rent payable 1908. by the ryots benefited by such measures. Explanation.—It shall not be open to any ryot to refuse a supply or an improved supply of water which may result from the measures aforesaid. '[2-A) In the case referred to in clause (c) of section 2, the [State] Government shall be entitled to— (a) fix the area to be irrigated from such " ,work in the estate and in ryotwari tracts, if any ; and (b) charge fees for the water supplied from the irrigation work to the lands situated in ryotwari tracts, if any, at such rates as they deem fit and recover i This word was substituted for the word "Provincial" by the Adaptation Order of 1950. * These words, brackets, figures and letters were substituted for the words, brackets and figure " person liable under sub-section (1) " by section 3 (iii) of the Madras Irrigation Works (Repairs, Improvement and Construction) Amendment Act, 1945 (Madras Act IV of 1945). 8 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. This sub-section was inserted by section 3 (iv) of the Madras Irrigation Works (Repairs, Improvement and Construction) Amendment Act, 1945 (Madras Act IV of 1945). Cost and fees payable on suit of right of mand • 'Cost and fees :overable 892 Irrigation Works (Repairs, [1943:T.N. Act XVIII Improvement and Construction) the fees from such persons, at such times and on such terms and conditions as may be specified in accordance with the rules made under this Act.] (3) In the IL-cases referred to in clauses (cc) and (d) of section 2,] the '[State] Government shall be entitled to charge fees for the water supplied by them at such rates as they deem fit, and the fees so charged shall be recovered from such persons, at such times and on such terms and conditions as may be specified in accordance with rules made under this Act. 4. (1) Any cost or fee recoverable by the Government under section 3 shall become payable to them, on the person concerned being served with a written notice of demand issued by such Government and in accordance with the terms thereof. (2) Such cost or fee shall carry interest, from the date on which it becomes payable, at such rate as may be notified by the a[State] Government in that behalf. 5. Any cost or fee which has become payable under section 4 an arrear 'enue. ver of ty and ection. (a) may be recovered as if it were an arrear of land revenue from the person by whom it is payable ; (b) shall be a charge on the interest of such person in lands served by the irrigation work con- cerned

6. The District Collector or any officer appointed by him in this behalf may, for the purposes of' this Act, at all reasonable times, enter upon and inspect any land including the irrigation work, if any, situated t herein. These words, brackets, letters and figure were substituted for the words, brackets, letter and figure " case referred to in clause (d) of section 2 i' by section 3 (v) of the Madras Irrigation Works (Repairs, Improvement and Construction) Amendment Act, 1945 (Madras Act IV of 1945). This word was substituted for the word 'i Provincial " by the Adaptation Order of 1950. 1943: T.N. Act XVII.IJ Irrigation Works (AepairS, 895 Improvement and Construction) 7. (1) 'The l[State] Government may, by notifica- Delegation tion in the Fort St. George Gazette, delegate all or of the powers of any of their powers under this Act except those cone the State ferred upon them by this section and section 11, to Government. any person or authority subordinate to the 1[State] Government, and may in like manner withdraw any powers so delegated. (2) The exercise of any powers delegated under sub-section (1) shall be subject to such restric- tions, limitations and conditions, and to control and revision by such authority or authorities, as may be specified in the notification

8. Any action taken or thing done under section 29 Jurisdiction 3 or 4 shall, subject to the provisions of sub-section (2) of Courts ousted in of section 7, be (ina19 and shall not, save as otherwise certain cases, provided in any rules made under this Act, be liable to be called in question in any Court of law ; nor shall any Court of law issue an injunction in regard to any action or thing proposed to be taken or done under section 2, 3 or 4. 9. (1) No suit, Prosecution or other proceeding Bar of shall lie against any officer or servant of the '[State] certain pro- Government, for any act done or purporting to be proceedings• done under this Act, without the previous sanction of Che 1[State] Government. (2) No officer or servant of the 1[State] Govern- ment shall be liable in respect of' any such act in any c; vil or criminal proceeding, if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act

10. No suit shall be instituted against the *tGovern. Limitation for certain Inent], and no suit, prosecution or other proceeding proceedings. shall be instituted against any officer or servant of the Il[State] Government in respect of any act done This word was substituted for the word 'c Provinul*' by th. • Adaptation Order of 1950. TWs was substituted for the word CrdWn Power to ntake rules. Act to over- ride other enactments• 894 Irrigation Works (Repairs, [1943: T.N. ActXVt11 Improvement wul Construction) or perporting to be done under this Act, unless the suit, prosecution or other proceedi ng is instituted within six months from the date of the act complained of. 11. (1) The '[State] Government may make rules to carry out the purposes of this Act. (2) In particular and without prejudice to the zenerality of the foregoing power, such rules may provide (a) for any matter required or allowed by this Act to be regulated by rules (b) for the procedure to be adopted under (c) for determining and adjusting the rights and liabilities of the landholders and ryots, where the irrigation work concerned serves two or more estates as in the 21 Tami J Nadu] Estates Land Act, 1908; Nadu] (d) any other thatler for •, which there is no Act lot' provision or .no sumcient provision in this Act and for which provision is, in the opi nion of the

i[State] Government necessary, for giving effect to the purposes of 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 Act

12. The provisions of' this Act •and of' any rules, ()rdcrs, proceedi ngs, action or other thing nude, taken or done thereunder shall have effect, notwithstanding anything inconsistent therewith contain ed in any other enactment or law for the time being in force, 1 This word was substituted for the word "Provincial" by the Adaptation Order Of 1950.2 These words were substituted for the word " Madras P' by the Tamil Nadu Adaptation of Laws Order 1969, as by the' Tamil Nadu Adaptation of Laws (Second 190'

