

# Telangana Irrigation Act, 1357 F.

TELENGANA

India

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### Act 24 of 1357

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Telangana Irrigation Act, 1357 F.(Act No. 24 of 1357 F)Last Updated 9th January, 2020The Andhra Pradesh (Telangana Area) Irrigation Act, 1357 F. in force in the combined State, as on 02.06.2014, has been adapted to the State of Telangana, under section 101 of the Andhra Pradesh Reorganisation Act, 2014 (Central Act 6 of 2014) vide. the Telangana Adaptation of Laws (No.2) Order, 2016, issued in G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.

## Part I – Preliminary.

### 1. Short title, commencement and extent.

- This Act may be called [the Telangana Irrigation Act, 1357 F.] [Substituted by G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.] and it shall come into force in [the whole of the State of Telangana] [Substituted by G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.] from the date of its publication in the Official Gazette.(2)This Act shall apply to all new irrigation works, their ayacuts and to all other irrigation works of ayacuts of two thousand acres or more and their ayacuts:Provided that notwithstanding the provisions contained in this Act, the Government may, by notification exclude any local area or irrigation work or class of irrigation works from the operation of the whole or any of the provisions of this Act, from the date as may be specified by the notification in the Official Gazette.

### 2. Repeal of previous orders.

- All Acts, rules and orders, in so far as they are repetitions of or in consistant with the provisions of this Act shall be deemed to be repealed from the date of commencement of this Act.

### 3. Definitions.

- In this Act, unless there is anything repugnant in the subject or context,-(a)"irrigation work" includes,-(i)all kuntas, reservoirs, tanks, anicuts, canals, their distributaries, channels and sluices constructed, maintained or controlled wholly or partly by or with the consent of the Government for the supply, conveyance or storage of water;(ii)all construction works, embankments, structures, supply and escape channels, connected with the aforesaid water reservoirs, tanks, anicuts, canals, and their distributaries, pipes and sluices and all roads constructed for the purpose of facilitating the construction or maintenance of the said water reservoirs, tanks, anicuts, canals, distributaries, and their channels, pipes and sluices;(iii)all drainage works and flood embankments;(iv)any part of a river, stream, lake, natural water reservoir or drainage channel, to which the Government may apply the provisions of section 6 or the water of which has been used before the commencement of this Act for the purposes of any existing irrigation work;(v)all lands appropriated by the Government for the purposes of water reservoirs, tanks, anicuts, canals and their distributaries, pipes and sluices and all buildings, machinery, fences, gates and other erections on such lands; 3(vi)[ all pumping sets which are owned or constructed or maintained or controlled wholly or partly by the Government and not handed over to any person.] [Added by Act No.23 of 1979.](b)"new irrigation work" means an irrigation work as defined in clause (a) and constructed or completed by the Government after 1st Azar 1314 F. and includes extensions to irrigation works made after that date;(c)"water course" means any field channel or pipe not having capacity in excess of 3 cft. per second which is supplied with water from an irrigation work, but which is not maintained at the cost of the Government, and includes all subsidiary works belonging to such field channels but does not include the sluice or outlet through which water is supplied to such channel or pipe;(d)"drainage work" includes:-(i)natural or artificial channels for the discharge of waste or surplus water, and all works connected with or auxiliary to such channels;(ii)escape channels of an irrigation work, dams, weirs, embankments, sluices and groins;(iii)any work constructed or improved by the Government for the purpose of reclamation by means of improvement of the surrounding drainage; and(iv)all works for the protection of lands from inundations or erosion, constructed or maintained by the Government either wholly or in part;(e)"flood embankment" means an embankment constructed or maintained by the Government in connection with any system of irrigation or reclamation works for the protection of lands from inundation or which may be declared by the Government to be maintained in connection with any such system, and includes all groins, spurs, dams and other protective works done in connection with such embankments;(f)"above a canal" means all the area that cannot be supplied with water by gravity from the canal;(g)"below a canal" means all the area that can be supplied with water by gravity from the canal;(h)"ayacut" means all the area irrigable under an irrigation work;(i)"Board of Revenue" means the Board of Revenue constituted under [the Telangana Board of Revenue Regulation, 1358 F.] [Adapted as Telangana Board of Revenue Regulation, 1358 F. vide G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.] (Regulation LX of 1358 F), or such other person or body of persons as the Government may empower to exercise all or any of the powers of the Board of Revenue under this Act;(j)"Collector" means an officer appointed or deputed by the Government or any other person empowered by the Government to exercise all or any of the powers of a Collector under this Act;(k)"Irrigation officer" means an officer of the Public Works Department or Revenue Department appointed or deputed by the Government to perform such of the functions of the Irrigation officer as may be prescribed under this Act;(l)"prescribed"

means prescribed by rules made under this Act.

#### **4. Appointment of officers.**

- The Government may declare by notification in the Official Gazette the officers or persons and the local limits within which they shall exercise or perform wholly or partly the powers and duties which are conferred or imposed on the Board of Revenue, the Collector or the Irrigation officer under this Act.

## **Part II – The Construction and Maintenance of Irrigation Works.**

#### **5. Construction, control or maintenance of irrigation works.**

- No person shall be authorised to construct, control or maintain wholly or partly an irrigation work, as defined in clause (a) of section 3, except the Government or with the sanction of the Government. The sanction shall be given subject to such conditions as the Government deems fit.

#### **6. Notification in case of use of water for irrigation works.**

- Whenever it appears expedient to the Government that the water of any river, stream or lake flowing in a natural course, or the still water of any other natural reservoir should be used by the Government for the purposes of any existing or projected irrigation work, the Government may declare that such water shall be so used after a day specified in the notification not being fixed within a period of three months from the date thereof.

#### **7. Powers of Irrigation officer regarding use of water.**

- At any time after the day specified in the notification, any Irrigation officer empowered in this behalf may, subject to the provision of section 11, enter on any land, remove any obstruction, close any channel and do any other work necessary for the use of the water for such purpose and may take with him, or depute or employ, such subordinates or other persons as he deems fit.

#### **8. Entry for enquiry.**

- Whenever it shall be necessary to make any enquiry or examination in connection with a projected irrigation work, or with the maintenance of any existing irrigation work, any Irrigation officer empowered in this behalf, and any person acting under the general or special order of such Irrigation officer may, -(a) enter upon such land as he may think necessary for the said purpose; (b) exercise all powers and do all things in respect of such land as could be exercised or done if the Government had issued a notification under the Land Acquisition Act to the effect that land in that area will be needed for public benefit; (c) set up and maintain water gauges and do all works necessary for such enquiry and examination.

## **9. Power to inspect and regulate supply of water.**

- Any Irrigation officer authorised in this behalf and any person acting under his general or special order may enter upon any land, building or water-course, for the purpose of inspecting and regulating the use of water, and measuring the land, irrigated thereby, or chargeable with a water tax, and for the proper regulation and maintenance of any irrigation work from which such water is supplied and also for doing other necessary work.

## **10. Power to enter upon land for repairs and prevention of accidents.**

- In case of any accident being apprehended or happening to an irrigation work, any Irrigation officer authorised in this behalf, and any person acting under his general or special order may, subject to the provisions contained in section 11, enter upon any land adjacent to the irrigation work and may acquire trees and other materials and execute all such works as may be necessary for the purpose of preventing such accident or compensating the damage done.

## **11. Issue of notice to occupier.**

- When an Irrigation officer or any other person acting under his general or special order in this behalf desires under the provisions of section 8, 9 or 10, to enter into any building or enclosed court or garden attached to a dwelling house into which the water does not flow from any irrigation work and which is not adjacent to a flood embankment, he shall previously give to the occupier of such building, court or garden, a written notice of such reasonable period as the importance of the case may require and shall also give sufficient time for the Pardanashin lady to vacate the building, court or garden.

## **12. Canal crossing.**

- Suitable means of crossing canals and channels shall be provided at such places as the Government may think necessary for the reasonable convenience of the inhabitants of the adjacent land; and suitable bridges or culverts and such other works shall be constructed to remove obstruction which may arise in the drainage of the land by any canal or channel.

## **13. [ [Sections 13 to 18 repealed by Act No.12 of 1965.]**

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## **14. [ [Sections 13 to 18 repealed by Act No.12 of 1965.]**

XXX][15 [Sections 13 to 18 repealed by Act No.12 of 1965.]. XXX]

**16. [ [Sections 13 to 18 repealed by Act No.12 of 1965.]**

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**17. [ [Sections 13 to 18 repealed by Act No.12 of 1965.]**

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**18. [ [Sections 13 to 18 repealed by Act No.12 of 1965.]**

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**Part III – Supply of Water.**

**19. Application for supply of water.**

(1)Every person desiring to receive water for lands, other than those classed as wet, from an irrigation work shall submit an application therefor to the Irrigation officer in the prescribed form.(2)If the application be for supply of water for purpose other than those of irrigation, the Irrigation officer may give permission, subject to the prescribed conditions and restrictions.

**20. Power to stop supply of water.**

- The supply of water to any water-course or to any person entitled there to shall not be stopped except in the following cases: -(a)in case and so long as it is necessary to stop supply for executing any work by the order of the authority;(b)in case and so long as any water-course by which water is supplied is not maintained in such good condition as to stop the waste of water;(c)in case and so long as may be necessary to stop supply in order to fulfil in rotation the legitimate demands of other persons entitled thereto;(d)in case and so long as may be necessary to stop supply in order to prevent the wastage or misuse of water;(e)in course of closure of canal of which notice shall be given in the prescribed manner;(f)in case and so long as may be necessary to stop the supply of water for a change in the source thereof by the Irrigation officer.

**21. Duration of supply of water.**

- When canal water is supplied for one or more crops, the permission to use such water shall remain only until the maturity of such crop or crops and be deemed to apply only to such crop or crops.

**Part IV – Award of Compensation.**

## **22. Compensation awardable or damage.**

- Compensation may be awarded if any damage is caused by the exercise of, or on account of, the powers conferred under this Act, provided the damage and its compensation can be ascertained. But compensation shall not be awarded for damage caused by the following reasons: -(a)deterioration of climate or soil;(b)stoppage of navigation or the means of floating timber or of watering cattle;(c)stoppage or diminution of the supply of water from any river or stream flowing in a natural channel or in any lake or natural reservoir of still water by the application of such water for the purposes of a new irrigation work or otherwise unless a right in respect of use of such water is established; or(d)the flow of water in a channel is closed or stopped for the following causes:-(i)any cause beyond the control of the Government;(ii)repair, alteration or extension to the channels;(iii)any measure considered necessary by the Irrigation officer empowered in this behalf for regulating the flow of water in the channel required for the generation of hydro-electric power or for maintaining the course established by water required for irrigation.Any person who suffers loss from stoppage or diminution of water supply due to any of the causes named in clause (d) shall be entitled to such reduction in the prescribed assessment payable by him as may be permitted by the Government.

## **23. Compensation of land used in construction of water-course when not payable.**

- If a water course is constructed in any survey number and the owner of such survey number is benefited, by it, no compensation, notwithstanding any other thing contained in any law for the time being in force, shall be payable.

## **24. Limitation of claims.**

- No claim for compensation under this Act made after the expiration of a period of one year from the date when the alleged damage occurred shall be entertained unless the Collector is satisfied that the claimant had sufficient cause for not making the claim within such period.Summary Decisions

## **25. Compensation in case of damage caused by entry on land etc.**

- In every case of entry upon land or building under section 7, 8, 9 or 10, the Irrigation officer, or the person making the entry, shall ascertain and record the damage caused by the entry or in the execution of any work, to any crop, tree, building or any other property, and within three months from the date of such entry, the Irrigation officer shall pay the compensation to the occupier of land or the owner of the property damaged.If the compensation awarded is not accepted, the Irrigation officer shall forthwith send the case to the Collector so that he may, after making enquiry as to the amount of compensation, decide it.

## **26. Compensation on account of interruption of supply of water.**

- If damage is caused to any occupier of land by interruption in the supply of water, or if any cause of action arises under section 22, the person aggrieved may present a petition for compensation to the Collector for the damage, who shall after consulting the Irrigation officer award to the petitioner reasonable compensation for such damage.

## **27. Appeal of order passed under section 25 or 26.**

- An appeal from the decision of the Collector under sections 25 and 26 shall lie to the Board of Revenue within three months and the decision of the Board of Revenue shall be final.

## **28. Notice as to submission of claims for compensation.**

(1)As soon as possible after the issue of a notification under section 6, the Collector shall cause a public notice to be published at proper places, stating that the Government intends to use the water as aforesaid, and that claims for compensation may be submitted before him.(2)A copy of sections 22 and 24 shall be annexed to every such notice.

## **29. Compensation when due.**

(1)All sums of money held payable for the compensation assessed shall become due after six months from the final award.(2)Simple interest at the rate of six percent per annum shall be paid on the sum remaining unpaid after the period except when the amount of compensation could not be paid by reason of neglect or refusal of the applicant to apply for or receive the same.

## **Part V – . Water-Tax**

### **30. Determination of rate of Water Tax.**

- Tax shall be recovered on water supplied for irrigation or for any other purpose at such rates as shall from time to time be prescribed by the Government.

### **31. Liability when water is unlawfully used and occasional tax.**

- If water supplied through a water-course be un-lawfully used, the person by whose act or neglect such use has occurred, or if such person cannot be identified, the person or all the persons on whose land water has flowed and such land is benefited therefrom, or the person or all the persons chargeable in respect of the water supplied through such water-course shall be liable, severally or jointly, as the case may be, for the payment of tax which may be prescribed for such use under the rules.

### **32. Liability when water runs to waste.**

- If water supplied through a water-course is wasted, the person through whose act or neglect water was wasted, or if such person after inquiry cannot be traced, the person or all the persons liable for the tax on water supplied through such water-course, shall be jointly or severally liable, as the case may be, for the payment of tax which shall be held payable in respect of the water in case it is wasted, under the rules. The Irrigation officer shall decide all questions pertaining to this section and section 31.

### **33. Taxes recoverable in addition to penalty.**

- All taxes charged when water is unlawfully used or wasted shall be recoverable as an arrear of land revenue in addition to the penalty imposed on account of such use or waste.

### **34. Tax for percolation and leakage.**

- If it shall appear to the Irrigation officer that any cultivated land within two hundred yards of any irrigation work received, by percolation or leakage from such irrigation work, any such advantage which would be received in case of direct supply of water or that any cultivated land, wherever situate, is supplied with water by surface flow or by a well sunk within fifty yards of any irrigation work from a percolation or leakage in the said irrigation work, he shall report it to the Collector. The Collector shall charge on such land a tax not exceeding that which would ordinarily have been charged when water is directly supplied to land similarly cultivated. In assessing such tax, the Collector shall subject to rules under this Act, take into consideration the expenditure necessarily incurred in carrying such water to the land. Explanation. - For the purposes of this Act, land charged with tax under this section shall be deemed to be land irrigated from an irrigation work.

## **Part VI – . Supplying Labour For Emergency Works of Canals.**

### **35. Procedure for obtaining labour for repair and works of construction urgently required.**

(1) Whenever it appears to an Irrigation officer that unless improvement and repair is immediately done to an irrigation work it will suddenly cause serious loss to the public or that unless some clearance of a canal or other irrigation work which is necessary in order to maintain the established course of irrigation or drainage is immediately executed, serious public loss will occur; and that the labour necessary for the proper execution of such repair, clearance or other work cannot be obtained in the ordinary manner within the time necessary for execution of the same so as to prevent such loss, it shall be lawful for the said officer to require the Patel or Patels of the village or villages in the vicinity, to call upon all or any of able bodied male persons who reside or occupy any land in or near the place where such work, repair or clearance has to be executed, to assist in the execution of same by their own labour, in accordance with the direction of the said officer or the person authorised in writing by him in this behalf. (2) A person authorised under sub-section (1) shall be deemed to be a



Government servant within the meaning of the Indian Penal Code, 1860 (Central Act 45 of 1860).(3)Any order made under this section shall be immediately reported to the Collector.

### **36. Payment of wages.**

- All persons required under section 35 and have laboured by day or have been detained for this purpose shall as soon as possible and in any case within fifteen days from such requisition, be paid by the Irrigation officer for their labour and detention at twenty five to fifty percent in excess of the rate of wages for the time being prevailing in the locality. If the persons are required to work or be detained at night, wages shall be paid at twice the said rate.

## **Part VII – . Safeguard of Irrigation Works.**

### **37. Limitations in respect of Irrigation works.**

- Except in the prescribed manner, no person other than the Irrigation officer shall be authorised without the written order of the Government to,-(a)divert or interfere with the course of a natural stream, or(b)construct a kunta or tank on any natural stream, or(c)construct any earthen or masonry bund or weir on channel or stream, flowing above or below any watercourse.

### **38. Interference with canal or channel works.**

- No person shall interfere with or obstruct the proper functioning of the various cross drainage works of Irrigation works, namely culverts, water-courses, super-passages, syphons, weirs and allied works constructed for the safety of the canal or channels, without the express written permission of the Irrigation officer.

### **39. Construction and repair of tanks kuntas and bunds prohibited.**

- Save in the prescribed manner, no tank or kunta or bund shall be constructed on a cross-drainage specified in section 38, nor shall any breached tank, kunta or bund be repaired, nor shall any existing tank, kunta or bund be extended or raised without the order in writing of the Government.

### **40. Obligations of owners in respect of works affecting canal safety.**

(1)It shall be incumbent on every owner whose tanks, kuntas or bunds are situated above an irrigation work to maintain the bunds and water rejecting arrangements of such irrigation sources in a safe and good condition.(2)If, in the opinion of the Irrigation officer, such irrigation sources are not safe or in a good condition and are likely to endanger the irrigation work, then the owner concerned shall be given a notice through, the Collector to bring such irrigation sources to a fit condition as directed by the Irrigation officer in a reasonable specified time.(3)If the said owner fails to comply within the time specified or effects repairs which in the opinion of the Irrigation officer are not satisfactory, then the Irrigation officer shall have the right to get the repairs executed or

completed when necessary, and the cost thereof shall be recovered from the said owner by the Collector as an arrear of land revenue.

#### **41. Appeal against order issued under section 40.**

- From every order by the Irrigation officer, under section 40, an appeal shall lie within three months to such authority as may be appointed for this purpose.

#### **42. Mining or quarrying by explosives prohibited.**

- No person shall conduct mining or quarrying operations requiring the use of explosives within two furlongs from the boundaries of an irrigation work without the written permission of the Irrigation officer.

#### **43. Excavation of well adjoining irrigation work prohibited.**

- No new well shall be excavated within two hundred yards from the boundaries of an irrigation work without the permission of the Irrigation officer.

#### **44. Operation of sluices etc., prohibited.**

- No person other than the Irrigation officer or the person empowered by the Government shall have the right to operate a flood-gate, regulator or a sluice-gate of a water reservoir, canal or channel.

#### **45. Plying of ferryboat prohibited.**

- No person shall have the right to ply a ferryboat in a water reservoir or a canal or channel without the permission of the Government.

#### **46. Unlawful letting out of water from canal.**

- No person other than the Irrigation officer shall be authorised to let out water from a canal or channel by cutting the bund, constructing a sluice or outlet or any other contrivance.

#### **47. Patta of beds of tank.**

- The patta for the bed land of tank shall not be granted nor the existing occupancy rights continued where the tank is utilised as water reservoir under a canal or channel: Provided that compensation in case of acquired occupancy right being so extinguished, shall be paid under the Land Acquisition Act.

#### **48. Certain matters, within boundaries of tanks or canals prohibited.**

- The following matters are prohibited within the boundaries of a water reservoir, tank, canal or channel except that they are performed by persons authorised:-(a)removal of any material relating to the irrigation work;(b)cultivation of any kind;(c)sowing or planting of trees;(d)tapping of Abkari trees situated on the land acquired;(e)establishment of any new place of worship;(f)grazing or tethering of any animal;(g)vehicular traffic on bunds or inspection pathways;(h)passage of animals on bunds or inspection pathways;(i)corruption of or fouling the water;(j)removal or cutting of or damaging trees in any way;(k)other prescribed matters.

### **Part VIII – . Penalties and Procedure.**

#### **49. Damaging irrigation works.**

(1)Whosoever wilfully and without the permission of the competent officer, commits or attempts to commit the following acts:-(a)damages, alters, enlarges, or obstructs any irrigation work;(b)interferes with, or increases, or diminishes the supply of water in, or the flow of water through, over or under any irrigation work or does some other act which reduces its utility for the purposes for which it was constructed;(c)corrupts or fouls the water of any irrigation work by which the utility is reduced for the purposes for which it is ordinarily used;(d)destroys, defaces or removes any land or level marks or water gauge or lock fixed by competent officer;(e)destroys, tampers with or removes the apparatus for controlling, regulating or measuring the flow of water in any irrigation work;(f)notwithstanding any prohibition, passes or causes animals or vehicles to pass, in or across any irrigation work, its banks, or channels, contrary to rules made under section 67;(g)will fully causes or permits cattle to graze upon any irrigation work, or flood-embankment, or will fully tethers or causes or permits cattle to be tethered, upon any such irrigation work or embankment, or roots up any grass or vegetation growing on any irrigation work or embankment,or removes, cuts, or in any way injures or causes to be removed, or otherwise injures, any tree bush, hedge or grass planted for the protection of such irrigation work or embankment; and(h)whoever contravenes any rule made under section 67 the breach whereof is declared punishable under this section, shall, on conviction before a Collector, be punished with a fine which may extend to five hundred rupees.(2)For any contravention mentioned in clause (a), (d) or (e) of sub-section (1) if the Collector is of the opinion that in the circumstances of the case it is proper to punish with imprisonment in lieu of fine he may commit the case to the special Magistrate appointed under section 55 or if no such special Magistrate is appointed, to the competent Magistrate concerned and on conviction before the special Magistrate or the competent Magistrate, as the case may be, shall be punished with imprisonment which may extend to three months.

#### **50. Endangering stability of any irrigation work.**

(1)Whosoever without the permission of the competent officer:-(a)pierces or cuts through, or attempts to pierce or cut through, or otherwise to damage or destroy or endanger the stability of any irrigation work;(b)opens, shuts or obstructs, the sulice in any irrigation work or attempts it;(c)for

the purpose of diverting or impounding the free flow of water, (the right to which vests in the Government),-(i)makes or attempts to make any dam or refuses or neglects to remove it when required to do so;(ii)creates or attempts to create obstruction or refuses or neglects to remove any such obstruction when required to do so;shall on conviction before a Collector be punished with a fine which may extend to one thousand rupees.(2)For any contravention mentioned in clause (a) or clause (c) (i) of sub-section (1) if the Collector is of the opinion that in the circumstances of the case, it is proper to punish with imprisonment in lieu of fine he may commit the case to the special Magistrate appointed under section 55 or if no such special Magistrate is appointed, to the competent Magistrate concerned and on conviction before the special Magistrate, or the competent Magistrate, as the case may be, shall be punished with imprisonment which may extend to one year.

## **51. Removing obstruction and compensation for loss.**

- Whenever any person is convicted under section 49 or 50 the Collector or, the special Magistrate or the concerned competent Magistrate, as the case may be, may order that he shall remove the obstruction or compensate the loss on account of which he is punished, within a period to be fixed in the order. If such person refuses or neglects to obey the order within the fixed period, the Collector may authorise the Irrigation officer to remove such obstruction or compensate such loss and its cost shall be recoverable from such person as an arrear of land revenue.

## **52. Power to remove and take into custody person obstructing.**

(1)Any person in charge of or employed on any irrigation work may remove from the lands or buildings belonging thereto, or may take into custody without a warrant, and take forthwith before a Collector or concerned Tahsildar, to be dealt with according to law, any person, who in his view:(a)wilfully damages, obstructs or fouls any irrigation work, or(b)without permission from the competent officer, interferes with the supply or flow of water, in or from any irrigation work so as to endanger, damage or reduce its utility.(2)when a person is arrested and produced before the Tahsildar under sub-section (1) the Tahsildar shall release such person binding him for appearance by taking security or bond and shall send the report to the Collector without delay.

## **53. Punishment or contravention of section 35.**

- Any person, who, being called upon to assist by his physical labour in the completion of any irrigation work under section 35 refuses or neglects to comply with such call without sufficient cause shall, on conviction before a Collector be punished with a fine which may extend to fifty rupees.

## **54. Punishment for exercising powers under this Act for vexation.**

- If an officer or other person empowered to take action under this Act exercises, without reasonable cause for the purpose of vexation or with malicious intention, any power under this Act, on conviction before the special Magistrate, appointed under section 55 or if no such special Magistrate is appointed, before the competent Magistrate concerned shall be punished with imprisonment

which may extend to six months, or with fine which may extend to one thousand rupees or with both.

### **55. Appointment of special Magistrate.**

- The Government may, for the purposes of this part, appoint for any area a special Magistrate, who may exercise the powers of the Magistrate of the First Class in accordance with the provisions of the [Code of Criminal Procedure, 1898 (Central Act 5 1898)] [Now see the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).]. In case special Magistrate is not appointed, the cases to be committed to the special Magistrate shall be committed to the competent Magistrate concerned: Provided that notwithstanding anything to the contrary in the said Code special Magistrate or competent Magistrate, as the case may be, may try any contravention summarily under this part and pass a sentence to the extent he is empowered under this part.

### **56. Remedy against order made by Collector.**

- An appeal may lie to the Board of Revenue within three months against the sentence of fine passed by the Collector under this part and the order of the Board of Revenue shall be conclusive. Any such order shall not be called in question in any Criminal or Civil Court.

### **57. Punishment under other laws not barred.**

- Nothing herein contained shall prevent any person being prosecuted under any other law, for the time being in force, for any act or omission punishable by this Act.

## **Part IX – . Watandar Patwaris and Irrigation Patwaris.**

### **58. Notification regarding appointment of Irrigation Patwaris.**

- If for any area comprised in or adjacent to ayacut of any irrigation work under existence or under construction the Government considers it necessary to improve the standard of village record and statistics relating to lands, the Government may, declare that Irrigation Patwaris will be appointed in place of Watandar Patwaris; but such notification shall not be in respect of the ayacut under irrigation when this Act comes into force unless its area is two thousand acres or more or such ayacut is adjacent to another ayacut and the aggregate area of the two ayacuts is two thousand acres or more.

### **59. Performance of work until Irrigation Patwari assumes charge.**

- Until such time as an Irrigation Patwari appointed in place of watandar patwari assumes charge of his post, the existing Watandar Patwari or his agent may, if he agrees, do the work and shall be entitled to get remuneration at the rate of scale in force before the issue of the notification.

## **60. Compensation for watan rights.**

- When any Watandar Patwari hands over charge of his post to an Irrigation Patwari he shall be paid compensation for watan rights in the manner, within the period, and to the extent and in the kind prescribed but if any former Watandar Patwari, is appointed as Irrigation Patwari the Government may set off any pension or resume sanctioned in compensation for watan rights against the salary which is payable to him as Irrigation Patwari.

## **61. Appointment of Irrigation Patwaris.**

(1) Subject to rules made under section 67, for areas notified under section 58, the Government shall appoint for any village, or part of village, or more than one village an Irrigation Patwari. (2) Such Irrigation Patwaris shall be liable to be transferred as Irrigation Patwaris to any other area within the area to which this Act extends notified under section 58. (3) All Irrigation Patwaris shall be deemed to be Government servants within the meaning of clause (9) of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

## **Part X – . Miscellaneous.**

### **62. Power of revision.**

- The Government may, for the purpose of satisfying itself as to the legality and the regularity of any proceeding of a Collector or an Irrigation officer, call for and examine the relevant papers of the proceedings under this Act. When on examining the papers of any case, the Government considers that the order or decision of such officer should be amended, it may amend or cancel such order or decision or pass such other order as it may think fit.

### **63. Power to summon witnesses and to record their statements.**

- Any officer authorised under this Act to conduct any enquiry may exercise all such powers connected with the summoning of witnesses and recording their statements and the production of documents as are conferred on Civil Courts by the Code of Civil Procedure, 1908 (Central Act 5 of 1908) and every such enquiry shall be deemed a judicial proceeding.

### **64. Manner of serving notice.**

- Service of any notice under this Act shall be made in accordance with the provisions of the Code of Civil Procedure, 1908 (Central Act 5 of 1908).

### **65. Civil Courts not to have jurisdiction.**

- No Civil Court shall take cognizance of a suit filed in respect of any matter to which this Act applies, except where such provision in this behalf is made in this Act.

**66. [ [Omitted by the Andhra Pradesh Adaptation of Laws Order, 1957.]**

XXX]

**Part XI – . Rules.**

**67. Power to make rules.**

(1)The Government may, after previous publication, make rules to enforce this Act.(2)A rule may be general for all irrigation works or may be special for one or more irrigation works as the Government may direct.(3)Without prejudice to the generality of the foregoing power, rules may be made regarding the following matters:-(a)the cases in which the officer to whom and the conditions subject to which, order or decision given under provisions of this Act and not expressly provided for as regards appeal, shall be appealable;(b)the person by whom, the time, place or manner at or in which anything for the doing of which provision is made in this Act shall be done;(c)the amount of any charge to be made under this Act;(d)the manner in which and the officers by whom complaints as to the inadequacy of means of crossing shall be investigated under section 12;(e)the manner in which water-courses shall be excavated and maintained with or without taccavi loans; the mode of advancing taccavi loans; for the aforesaid purpose and the period of their recovery;(f)the manner in which bunding operations for lands irrigated by irrigation works shall be conducted by pattadars or Government agency with or without taccavi loans and the period of recovery of any loans which may be granted;(g)the manner of the extension, or repairs of, or the prevention of damage to kuntas under the control of a Revenue officer may be undertaken without reference to the Government;(h)regulating the period of opening or closure of channels, distributaries and sub-distributaries of irrigation works;(i)[ XXX [Clauses (i) and (j) were omitted by Andhra Pradesh Adaptation of Laws Order, 1957.](j)XXX](k)the procedure for determining compensation payable under section 60 and appointing Irrigation Patwaris under section 61 and fixing their salaries and other emoluments;(l)fixation of ayacut Tahbandi to supply water for the purpose of Part III.(m)[ XXX] [Clause (m) omitted by Andhra Pradesh Adaptation of Laws Order, 1957.]