

The United Provinces State Tube-Wells Act, 1936

UTTAR PRADESH

India

The United Provinces State Tube-Wells Act, 1936

Act 12 of 1936

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The United Provinces State Tube-Wells Act, 1936 U. P. Act No. 12 of 1936 [Dated 12th December, 1936] Received the assent of the Governor on 12th December, 1936, and of the Governor-General on 20th February, 1937 and was published under Section 81 of the Government of India Act, 1919 on 6th March, 1937. An Act to provide for the construction, improvement and maintenance of State Tube-well irrigation works Whereas it is expedient to make provision for the construction, improvement and maintenance by Government of State Tube-well irrigation works; And whereas the previous sanction of the Governor-General under sub-section (3) of Section 80-A of the Government of India Act has been obtained to the passing of this Act; It is hereby enacted as follows:

1. Short title, extent and commencement.

(1) This Act may be called the United Provinces State Tube-wells Act, 1936. (2) [* * *] [Omitted by U.P. Act No. 4 of 1954, Section 2(1).] It [extends] [[This Act has been extended to the areas mentioned in Column 1 of this table under the Act or Order mentioned in Column 2 and enforced in such areas under notification, if any, mentioned in Column 3 with effect from the date mentioned in Column 4 against each such area: Areas - Act or Order under which extended - Notification, if any, under which enforced - Date from which enforced]

1. - 2 - 3 - 4

1. Rampur District - Rampur (Application of Laws) Act, 1950 - 285/XVII-345-49, dated 8th March, 1952 - 15th March, 1952.

2. Banaras District - Banaras (Application of Laws) Order, 1949 - ... - ...

3. Tehri-Garhwal District - Tehri-Garhwal (Application of Laws) Order, 1949 - ... - ...]] to whole of [Uttar Pradesh] [Substituted by A.O. 1950.] [* * *] [The words 'of Agra and Oudh' omitted by A.O. 1950.].

(3)[It shall come into force at once.] [Substituted by U. P. Act No. 4 of 1954, Section 2(2).]

2. Definitions.

- In this Act unless there be something repugnant in the subject or context,-(1)"Tube-well" means any tube-well from which water is lifted by means of a pump operated otherwise than by human or animal power;(2)"State tube-well" means a tube-well constructed, maintained or controlled by the [State Government] [Substituted by A.O. 1950.] and includes all mechanical and electrical appliances, tools and structures appertaining to it and necessary for the abstraction of water from it;(3)"Tube-well Officer" means an officer appointed under Section 4 to exercise control or jurisdiction over one or more State Tube-wells;(4)"Superintending Engineer" means a Tube-well Officer exercising general control over circle comprising one or more tube-well divisions;(5)"Divisional Officer" means Tube-well Officer exercising control over a division comprising one or more tube-well sub-divisions;(6)"Sub-Divisional Officer" means a Tube-well Officer exercising control over a group of State tube-wells situated within an area designated as tube-well sub-division.

3.

[* * *] [Omitted by U. P. Act No. 4 of 1954, Section 3.].

4. Appointment of tube-well officers.

- The [State Government] [Substituted by A.O. 1950.] may from time to time appoint officers to exercise or perform within such local limits as it may direct all or any of the powers and duties conferred or imposed on Tube-well Officers by the Northern India Canal and Drainage Act, 1873, in its application to State Tube-wells as hereinafter provided.

5. United Provinces Act No. I of 1920 not to apply to State Tube-wells.

- The provisions of the United Provinces Minor Irrigation Works Act, 1920, shall not apply to State Tube-wells.

6. Application of Act No. VIII of 1873 to State Tube-well.

- In respect of any State Tube-well the provisions of the Northern India Canal and Drainage Act, 1873, except the provisions of Section 1, Clauses (4) and (7) of Section 3, Section 4, Section 5 and Parts VI and VII of the said Act, shall be deemed to apply in like manner as if such State Tube-wells were a canal within the meaning of the said Act:Provided that in the application of the said Act every

reference therein to a "Canal Officer" (except in Section 27 of said Act) a "Superintending Canal Officer", a "Divisional Canal Officer" or a "Sub-Divisional Canal Officer" shall be deemed to be a reference to a "Tube-well Officer" a "Superintending Engineer", a "Divisional Officer" or a "Sub-Divisional Officer" respectively :Provided further that for the purpose of such application the said Act shall be subject to the modification indicated in the Schedule.

7. [Power to construct underground pipelines etc. [Sections 7, 8 and 9 inserted by U. P. Act No. 21 of 1980, Section 2 (w.e.f. 25-10-1980).]

- Any Tube-well Officer or other person acting under the general or special order of a Tube-well Officer may, from time to time-(a)place, dig, examine, repair, alter, maintain or remove a tube-well pipeline (including inter-sump, pipe stand, value chamber and outlet) tube-well Kachagul, barha and earthen barrow pits, under, over, along, across, in or upon any immovable property and may, open or break-up the soil; and(b)for any such purpose enter upon such property at any time.

8. Notice to owner or occupier of land.

(1)No such work, as is referred to in Section 7, shall be executed unless not less than forty-eight hours' notice in writing before the commencement of work is given to the owner or occupier of the property and such owner or occupier shall have the right to be present during the execution of the work.(2)Where any person, in exercise of the powers under this Act, opens or breaks up the soil of any land, he shall with all reasonable speed, fill in the ground and reinstate and make good the soil opened or broken up.(3)A Tube-well Officer shall cause as little damage as possible to any property for the purpose of executing any work under this Act and shall in the prescribed manner, pay to the owner or occupier of such property compensation for any damage sustained by him.

9. Power to make rules.

- The State Government may, by notification in the Gazette, make rules for carrying out the purposes of this Act.]

Schedule

(Referred in Section 6)Modifications in the Northern India Canal and Drainage Act, 1873 (Hereinafter called "the said Act") [1. In Section 6 of the said Act for the words "day so named", the words "commencement of the U.P. State Tube-wells Act, 1936" shall be deemed to be substituted and for the words "such application or use of the said water" the words "the application or use of underground water for the purpose of a State Tube-well" shall be deemed to be substituted.] [Substituted by U. P. Act No. 4 of 1954, Section 4.]

2. In Section 8 of the said Act clauses (a) and (c) and the reference thereto in clause (i) shall be deemed to be omitted, in clause (g) for the words "through any natural channel which has been used for purposes of irrigation" the words "in any well which has been used" shall be deemed to be substituted and in the last paragraph for the expression, "clauses (a), (b) and (c)" the expression "clause (b)" shall be deemed to be substituted.

3. In Section 27 of the said Act for the words "Canal Officer" the words "Divisional Officer" shall be deemed to be substituted.

4.

(1) In sub-clause (1) of clause (a) of Section 32 of the said Act the words "and with the previous sanction of the [State Government] [Substituted by A.O. 1950.]" shall be deemed to be omitted. (2) Clause (d) of Section 32 of the said Act shall be deemed to be omitted.

5. In Section 68, for the words "such officer shall thereupon give notice" the words "on receipt of such application or when in the opinion of Divisional Officer such difference is likely to arise he shall give notice" shall be deemed to be substituted.

6. In clause (2) of Section 70 the words "except by the construction of tube-well" shall be deemed to be inserted before the words "interferes" and clauses (6) to (9) of the said section shall be deemed to be omitted.