

# **Bombay Irrigation (Gujarat Amendment) Act, 1962**

GUJARAT

India

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### **Act 6 of 1963**

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An Act further to amend the Bombay Irrigation Act, 1879. It is hereby enacted in the Thirteenth Year of the Republic of India, as follows:-\* (Received the assent of the President on 23rd January, 1963 and published in the Gujarat Government Gazette on the 29th January 1963)

**1. Short title.- This Act may be called the Bombay Irrigation (Gujarat Amendment) Act, 1962.**

**2. Insertion of sections 15A in Bom. VII of 1879.- In the Bombay Irrigation Act, 1879 (Bom. VII of 1879) (hereinafter referred to as, "the principal Act"), in Part III, after the heading "OF WATER COURSES" the following heading and section shall be inserted, namely:-**

"Obligation regarding construction of water courses.

**15A. Obligation of holder of land to construct watercourse.- It shall be the duty of every holder of land which is capable of being irrigated from a canal to construct either by himself or jointly with other holders of lands capable of being irrigated from the canal, a water course in the prescribed manner for the carriage of water from the canal to his land."**

**3. Insertion of sections 20A to 20 F. in Bom. VII of 1879.- After section 20 of the principal Act, the following heading and sections shall be inserted, namely:-**

"Scheme for construction of water-courses.

**20A. Scheme for construction of water-courses.- (1) If in respect of any area in which lands are capable of being irrigated from a canal, the Canal-officer specially empowered in this behalf by the State Government (hereinafter referred to as "the authorised Canal-officer") is of the opinion that in the absence of water-courses, the irrigation of such lands has not been possible or has suffered or is likely to suffer and that in the public interest it is necessary to frame a scheme providing for the construction of water-courses in such area, he shall prepare a draft scheme for such area.**

(2) Such draft scheme shall contain the following particulars, namely:-(i) the object of the scheme; (ii) the area to which the scheme is applicable; (iii) the proposed water-course and the most suitable alignment thereof; (iv) the approximate area which is likely to be needed for the construction of the proposed water-course and the plan indicating such area; (v) survey numbers and acreage of each of the lands to be benefited by the water-course and the names of the holders thereof; (vi) period within which each holder of the land mentioned in item (v) should construct either by himself or jointly with other holders a watercourse for the carriage of water from the canal to his land; (vii) approximate cost of the acquisition of land, if any, to be occupied by the water-course; (viii) approximate cost of the construction of the water-course (including the cost of the acquisition of the land, if any,) in case the holders of land fail to come forward to construct the water-course; (ix) the extent of the liability of each holder of land to construct the water-course or to pay the cost of the construction of the water-course; (x) such other particulars as may be prescribed by rules. (3) The authorised Canal-officer shall also mark out the land which it will be necessary to occupy for the construction of the water-course. (4) The authorised Canal-officer shall publish the draft scheme in the Official Gazette and shall also simultaneously publish it in the prescribed manner in every village, through which the water-course is proposed to be taken along with a notice calling upon all holders of land and other persons affected by the scheme to submit to him in writing their suggestions or objections, if any, within a period of thirty days from the date of the publication of the draft scheme in the Official Gazette. (5) As soon as may be after the expiry of the period of notice under sub-section (4), the authorised Canal-officer shall, after considering the suggestions and objections, if any, received under sub-section (4), (a) sanction the draft scheme with or without modifications. (b) publish the sanctioned scheme by notification in the Official Gazette and in such other manner as may be prescribed by rules, and (c) send a copy of the notification so published to the Collector. (6) The scheme sanctioned under sub-section (5) shall be called the final scheme and shall be binding on all holders of land mentioned therein and all other persons affected thereby. (7) Land needed for the purpose of a scheme so sanctioned shall be deemed to be needed for a public purpose within the meaning of the Land Acquisition Act.

**20B. Collector to acquire land needed for water-courses.- (1) On receipt of a copy of the notification published under sub-section (5) of section 20A, the Collector shall proceed to acquire the lands specified in the final scheme as land needed for the construction of a water-course, under the provisions of the Land Acquisition Act, as if a declaration had been issued by the State**

**Government for the acquisition thereof under section 6 of that Act and as if the State Government had thereupon directed the Collector to take order for the acquisition of such land under section 7 of the said Act, and (if necessary) as if the State Government had issued orders for summary possession being taken under section 17 of the said Act.**

(2)When possession of the land is taken in accordance with sub-section (1), the authorised Canal-officer shall be put in possession thereof by the Collector.(3)The amount of the cost of acquisition of the land shall be apportioned by the Collector among the holders of land specified in the final scheme and in accordance with the extent of their liability determined under the final scheme.

**20C. Notice to holders of land to construct water-course.- On being put in possession of the land under sub-section (2) of section 20B, the authorised Canal-officer, shall give notice in the prescribed form and manner to each holder of land mentioned in the final scheme calling upon him-**

(a)to construct within the period specified in the final scheme and in the prescribed manner the water-course to the extent to which he may be liable under the final scheme, and(b)where the land to be occupied by the water-course or any part thereof as been acquired by Government under section 20B, to pay to the State Government, such sum as may be payable by him in accordance with the apportionment of the coat of acquisition of the land made under the final scheme.

**20D. Canal-officer to construct water-course.- If any holder of land to whom a notice is given under section 20C fails to construct the water-course within the period specified in the final scheme, the authorised Canal-officer shall construct the same at the cost of such holder.**

**20E. Consequences of completion of construction of water-course.- (1) When the construction of the whole of the water-course mentioned in the final scheme is completed,**

(i)the authorised Canal-officer shall issue a certificate to that effect in the prescribed form, and(ii)the State Government or the authorised Canal-officer, if so empowered by the State Government shall, by order in writing, transfer the land acquired under section 20B and occupied by the water-course to all holders of land benefited by the water-course and thereupon the land so transferred shall jointly vest in all such holders and the provisions of sections 21 to 26 (both inclusive) shall apply to such holders as they apply to the owner of a water-course.(2). Nothing in sub-section (1) shall affect the right of the State Government to recover the cost of the acquisition of land under section 20B and the cost of the construction of the water-course payable by any holder of land under the final scheme.

**20F. Mode of payment of cost of construction of water-course etc.- (1) The cost of the acquisition of any land and the cost of the construction of the water-course payable by any holder of land under the final scheme shall be paid by such holder,-**

(i) either in lump sum within the prescribed period, or (ii) in such instalments not exceeding three with simple interest at 41, per cent per annum on or before such dates as may be fixed by the authorised Canal-officer. (2) Where the holder of land has carried out some work for the construction of the water-course or donated land for being occupied by the water-course, the authorised Canal-officer shall determine the value of the work so carried out or, as the case may be, the value of the land so donated and the value so determined shall be deducted from the cost payable by the holder under sub-section (1).

**4. ???.- In section 67 of the principal Act, after the figures "18" the figures and letters "20A, 20F," shall be inserted.**

**5. Amendment of Section 70 of Bom. VII of 1879.- In section 70 of the principal Act, in sub-section (1), after clause (c), the following clauses shall be inserted, namely:-**

"(ca) the manner of constructing a water-course under section 15A; (cb) the other particulars to be specified in a scheme under section 20A; (cc) the manner of publishing a draft scheme and final scheme under section 20A; (cd) the form of a notice under section 20C and the manner of giving such notice; (ce) the form of a certificate under section 20E; (cf) the period for lump sum payment under section 20F;"