

Bombay Irrigation (Gujarat Second Amendment) Act, 1982

GUJARAT

India

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Act 6 of 1984

- Published on 3 March 1984
- Not commenced
- [This is the version of this document from 3 March 1984.]
- [Note: The original publication document is not available and this content could not be verified.]

An Act further to amend the Bombay Irrigation Act, 1879. It is hereby enacted in the Thirty-third Year of the Republic of India as follows:-* (Received the assent of the Governor on 3rd March, 1984 and published in the "Gujarat Government Gazette" on the 7th March, 1984)

1. Short title and commencement.- (1) This Act may be called the Bombay Irrigation (Gujarat Second Amendment) Act, 1982.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette appoint.

2. Amendment of Section 3 of Bom. VII of 1879.- In the Bombay Irrigation Act, 1879 (Bom. VII of 1879) (hereinafter referred to as "the principal Act") in section 3,-

(1) in clause (1)-(a) in sub-clause (a), for the words "pipes and reservoirs" the words "water-courses, pipes and reservoirs" shall be substituted; (b) in sub-clause (c), for the words "water courses", the words "field channels" shall be substituted; (2) for clause (2), the following clause shall be substituted, namely:- "(2) 'water-course' means a channel constructed and maintained at the cost of the Government to supply water from an outlet; (3) after clause (2), the following clauses shall be inserted, namely:- "(2A) 'Field channel' means any channel or pipe, constructed and maintained by the holder of land either by himself or jointly with other holders of lands or constructed by the Government at the cost of, and maintained by such holder or holders beyond a water-course and includes all subsidiary works connected with any such channel or pipe; (2B) 'outlet' means an opening which is constructed by the State Government in a canal through which water is delivered into a water course, field-channel or directly to any lands;".

3. Amendment of Parts III, IV, VI, VII, IX and X of Bom. VII of 1879.- In the principal Act, in Part-III, IV, VI, VIII, IX and X, for the words "water-courses" and "water-course" wherever they occur in the heading sub-heading, section or marginal note of a section, the words "field channels" and "field-channel" shall respectively be substituted.

4. Deletion of section 24 of Bom. VII of 1879.- In the principal Act, section 24, shall be deleted.

5. Amendment of section 25 of Bom. VII of 1879.- In the principal Act, in section 25, for the first paragraph the following paragraph shall be substituted, namely:-

"If any owner of a field channel fails to fulfil any obligation imposed upon him by section 21, then where such Canal-Officer is satisfied that for maintaining an uninterrupted flow of water through the field channel or for maintaining the rotation of water in the field channel or for allowing use of water by others it is necessary to take immediate action, to execute the necessary work or repair or to remove obstruction he may without giving such notice to the owner execute such work or repair or remove obstruction on behalf of the owner, and except as hereinafter provided in this section, all expenses incurred in the execution of such work or repair or removal of obstructions shall be a sum due by such owner to the State Government."

6. Amendment of section 28 of Bom. VII of 1879.- In the principal Act, in section 28, in clause (f), the words and figures "under section 91" shall be deleted.

7. Amendment of Section 57 of Bom. VII of 1879.- In the principal Act, in section 57,-

(1)in sub-section (1), after the words "State Government" the words "and if the person who is liable to pay such instalment makes default in such payment on the date when it becomes due, no shall be liable to pay interest at such rate and within such period as the State Government may by order determine"(2)in sub-section (2), after the words "instalment thereof" the words "or interest" shall be inserted.

8. Insertion of new sections 69A and 69B in Bom. VII of 1879.- In the principal Act, after section 69, the following new sections shall be inserted, namely:-

"69A. Protection of action taken in good faith.- No suit, prosecution or other legal proceeding shall be against the State Government or any officer or servant of that Government in respect of anything in good faith done or intended to be done in pursuance of the Act or any rules or orders made

thereunder.

69B. Use of land acquired for field channel for other purpose.- No land acquired under this Act for a field-channel shall be used for any other purpose without the previous consent of a Canal-officer duly empowered to grant such permission,".

9. Amendment of section 73 of Bom. VII of 1879.- In the principal Act, in section 73,-

(1)in sub-section (1), in clause (a), for the word "channel" the words "channel, water-course" shall be substituted;(2)in sub-section (3), for the word "channel" the words "channel, water course" shall be substituted.

10. Deletion of Section 88 of Bom. VII of 1879.- In the principal Act, section 88 shall be deleted.

11. Amendment of section 91 of Bom. VII of 1879.- In the principal Act, in section 91, for the word "channel" the words "channel, water-course" shall be substituted.