

Andhra Pradesh (Krishna, Godavari and Pennar Delta Area) Drainage Cess Act, 1985

ANDHRA PRADESH

India

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Act 26 of 1985

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1. [Amended by Andhra Pradesh (Krishna, Godavari and Pennar Delta Area) Drainage Cess (Amendment) Act, 1991 (Act 19 of 1991) on 3 October 1991]

AN ACT TO PROVIDE FOR THE LEVY AND COLLECTION OF DRAINAGE CESS ON ALL LANDS COMPRISED WITHIN THE DELTA AREA OF THE KRISHNA, GODAVARI AND PENNAR RIVERS IN THE STATE OF ANDHRA PRADESH FOR PURPOSE OF RAISING FUNDS TO MEET THE EXPENSES INCURRED ON DRAINAGE SCHEMES UNDERTAKEN IN THE SAID DELTA AREA AND FOR THE MATTERS CONNECTED THEREWITH. Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Thirty-sixth Year of the Republic of India as follows:-

1. Short title, application and commencement-

(1) This Act may be called the Andhra Pradesh (Krishna, Godavari and Pennar Delta Area) Drainage Cess Act, 1985. (2) It extends to all the lands comprised within the delta area of the Krishna, Godavari and Pennar Rivers in the State of Andhra Pradesh. (3) It shall come into force on such date as the Government may, by notification, appoint.

2. Definitions-

In this Act, unless the context otherwise requires:- (a) "Board" means the Krishna, Godavari and Pennar Delta Drainage Board established under section 7; (b) "Collector" means any Officer in-charge of a revenue division and includes a Deputy Collector, a Sub-Collector and an Assistant Collector; (c) "Delta Area" means the area comprising all the lands in the deltas of the Krishna, Godavari and Pennar rivers, irrigated whether by flow or lift, under the net work of canals taking off

from the barrage near Vijayawada on the Krishna river, the barrage near Dowlaiswaram on the Godavari river and the anicut near Sangam and Nellore on the Pennar River;(d)"Division" means any of the following divisions in the delta area, namely:-(i)the Godavari Eastern Delta;(ii)the Godavari Central Delta;(iii)the area comprising the Godavari Western Delta, the Krishna Eastern Delta and the Krishna Central Delta;(iv)the Krishna Western Delta;(v)Sangam Delta; and(vi)Nellore Delta.(e)"Drainage Cess" means the tax leviable and collectable under section 3;(f)"Drainage Scheme" means any scheme for improvement of drains in the delta area and for the formation of flood moderating reservoirsin the upland areas across the rivers and streams flowing into the delta area and includes any schemes relating to the following works in the delta area which are owned or controlled by the Government or constructed or maintained by them and not handed over to any person:-(i)Channels, whether natural or artificial for the discharge of waste or surplus water, and escape channels from an irrigation work together with dams, embankments, weirs, sluices, groynes, pumping sets and other works connected with or auxiliary to all such channels;(ii)all works for the protection of lands from floods or from erosion.Explanation :- For the purpose of this clause any part or stage of a scheme shall be deemed to be a scheme;(g)"Government" means the State Government;(h)"Land" means wet or dry land;(i)"Notification" means a notification published in the Andhra Pradesh Gazette and the word 'Notified' shall be construed accordingly;(j)"Owner" in relation to any land, means the person liable to pay the public revenue due on the land and includes a ryot having a permanent right of occupancy within the meaning of the Andhra Pradesh (Andhra Area) Estates Land Act, 1908 (Act 1 of 1908);Explanation:- The expression "person liable to pay the public revenue" in relation to any land in respect of which no public revenue is payable means the person who would have been liable to pay public revenue had it been payable on such land;(k)"Prescribed" means prescribed by rules made under this Act.

3. Levy and collection of drainage cess-

(1)There shall be levied and collected by the Government, for a 1 [period of ten years] from the date of commencement of this Act, as a drainage cess, on every land in the delta area comprised within a division specified in column (2) of the Schedule, for the purpose of this Act in that division, a tax at such rate per acre per annum, not exceeding the rate specified in the corresponding entry in column (3) thereof, as the Government may, by notification, specify in respect of that division.(2)Nothing in sub-section (1) shall prevent the Government from levying and collection at any time after the expiration of the 1[period of ten years] mentioned in that sub-section, the drainage cess or any arrears pertaining thereto, which is leviable or collectable during the said 1[period of ten years].(3)The drainage cess leviable under this section on any land shall be payable by the owner of such land.

3A. Rebate for lumpsum payment of drainage cess –

where any person who is liable to pay drainage cess under this Act, desires to pay the cess for a period of four fasli years commencing from the first day of July, 1991 in one lumpsum, he may do so on or before the 30th day of June, 1991 at the rates specified in the schedule as amended by the Andhra Pradesh (Krishna, Godavari and Pennar Delta Area) drainage cess (Amendment) Act, 1991 (Act No. 19 of 1991) and the person so paying the cess shall be entitled to a rebate of sixteen per

centum on the total amount payable by him for the four fasli years aforeside.]

4. Procedure to be followed before levying drainage cess-

(1) Before levying the drainage cess in respect of any land the Collector shall cause a consolidated notice for the entire 1 [period of ten years] mentioned in sub-section (1) of section 3, to be served upon the owner of the land requiring him to make payment for each year, of such amount of the drainage cess and within such period as may be specified therein. (2) A notice under sub-section (1) may be served on the owner of the land in the manner prescribed. (3) Separate notice to the same effect shall be served in the prescribed manner on all persons known or believed to be the owners or interested in the lands specified in the notice so far as such service may be practicable.

5. Appeal -

(1) Any person aggrieved by the levy of the drainage cess under section 4, may, within sixty days of the service of the notice referred to in sub-section (1) of that section, appeal to such authority as the Government may, by notification, appoint in this behalf and the said authority may pass such order on the appeal as it thinks fit. (2) Any order passed by the Appellate authority under sub-section (1), shall subject to the provisions of section 6, be final.

6. Revision-

The Government may, at any time, either suo motu or on an application call for and examine the records relating to any order passed, or proceedings taken by the Collector under this Act or by the appellate authority under section 5, for the purpose of satisfying themselves as to the legality or propriety of such order or as to the regularity of such proceedings and pass such order in reference thereto as they think fit: Provided that no order adversely affecting any person shall be passed under this section unless such person has been given an opportunity of making his representation.

7. Establishment of Krishna, Godavari and Pennar Delta Drainage Board-

(1) There shall be established by the Government a Board for the purposes of this Act, to be called the Krishna, Godavari and Pennar Delta Drainage Board, which shall consist of a Chairman and such number of other members, not less than twelve but not more than twenty, as the Government may, by notification, appoint and the Board shall exercise such powers and perform such functions as the Government may, from time to time assign to it. (2) Subject to such rules as may be made in this behalf, the Board shall appoint a committee for each district in the delta area for the purpose of performing such functions as the Board may assign to it. (3) The term of office of the members of the Board, and the manner of filling of casual vacancies among its members, the procedure to be followed at a meeting of the Board or its Committees and other matters incidental to the functioning of the Board or its Committees shall be such as may be prescribed. (4) Subject to the previous approval of the Government, the Board may appoint such officers and servants as it considers necessary for the efficient performance of its functions. (5) The terms and conditions of appointment

and service and the scales of pay of officers and servants of the Board shall be such as may be determined by the Board with the previous sanction of the Government.

8. Constitution of the proceeds of drainage cess into a fund and its administration and application-

(1)The proceeds of the drainage cess levied and collected under this Act, reduced by the cost of collection as determined by the Government, shall after due appropriation made by the Legislative Assembly of the State by law, be constituted into a fund to be called the "Krishna, Godavari and Pennar Delta Drainage Cess Fund".(2)In addition to the proceeds referred to in sub-section (1) any moneys received from the State or Central Government or any other source for the purposes of this Act, shall be credited to the Fund.(3)The Fund shall vest in, and be administered by, the Board in such manner as may be prescribed.(4)The Fund, in so far as it relates to the proceeds of the drainage cess levied and collected in a Division, shall be applied towards meeting the cost of the drainage schemes which the Board may, with the concurrence of the Government, undertake in that division. The expenses of the Board and its Committees shall also be met out of the Fund:Provided that it shall not be necessary to obtain the concurrence of the Government as aforesaid in respect of such class of drainage schemes as may be prescribed:Provided further that the expenditure incurred by the Board to any purpose common to all or any of the divisions shall be apportioned among the divisions concerned in such manner as may be prescribed.

9. Levy of fees for the maintenance of the drains and other drainage works-

(1)The Government shall levy fees on every land served by any drain or other drainage work improved or started and completed in pursuance of a drainage schemes undertaken under this Act, for the purpose of the maintenance of such drain or other drainage works, at the rate of three rupees per 0.404686 hectare (per acre) per annum.Explanation:- For the purpose of this sub-section all lands under a drain or other drainage work shall, unless the contrary is proved, be presumed to have been served by the said drain or other drainage work.(2)The fees referred to in sub-section (1) shall be paid by the owner of such land.

10. Drainage cess and fees payable under this Act to be treated as Public revenue due upon the land-

The drainage cess and the fees payable under this Act by an owner in respect of any land shall be deemed to be public revenue due upon the said land and the provisions of the Andhra Pradesh Revenue Recovery Act, 1864 (Act II of 1864) shall apply.

11. Power of Government to fix instalments, etc., of drainage cess-

Where the Government are of opinion that it is necessary so to do, they may by notification, fix the number of instalments in which and the time within which the drainage cess shall be payable by any owner or any class of owners.

12. Exemption of reduction drainage cess -

(1) If in the opinion of the Government the enforcement of all or any of the provisions of this Act, causes undue hardship on account of unforeseen calamity or any other reasonable cause to an owner or class of owners in respect of any land or class of lands held by such owner or class of owners, the Government may, by notification, and for reasons to be recorded therein:-(a) grant exemption or make a reduction in the rate of drainage cess payable, -(i) by any owner or class of owners; (ii) in respect of any land or class of lands held by such owner or class of owners; and (b) cancel such exemption or vary such reduction. (2) Any notification issued under sub-section (1) shall be laid, as soon as may be, after it is issued on the Table of the Legislative Assembly of the State, while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions and shall be subject to such modification or annulment as that Assembly may make.

13. Bar of jurisdiction of Civil Courts-

No civil court shall entertain any suit or other proceedings in respect of any order or decision passed by the Collector, the appellate authority, or the Government under this Act, or in respect of any other matter falling within the scope of any of those authorities.

14. Power to give directions-

The Government may, give such directions to the Board as appear to them to be necessary for carrying out any of the provisions of this Act, or of any rule, notification or order made thereunder and the Board shall comply with every such direction.

15. Power to make rules -

(1) The Government may, by notification, make rules for carrying out all or any of the purposes of this Act. (2) Every rule made under this section, shall immediately after it is made, be laid before the Legislative Assembly of the State if it is in session and if it is not in session, in the session, immediately following, for a total period of fourteen days which may be comprised in one session, or in two successive sessions and if before the expiration of the Session in which it is so laid or the session immediately following, the Legislative Assembly agrees in making any modification in the rule or in the annulment of rule, the rule shall from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

16. Repeal of Act 11 of 1968 :-

The Andhra Pradesh (Krishna and Godavari Delta Area) Drainage Cess Act, 1968 is hereby repealed. [THE SCHEDULE (See Section 3 (1))]

Sl.No.	Name of the Division	The maximum rate at which Drainage Cess may be collected.
1.	The Godavari Eastern Delta.	Rs.30/- per acre per annum.
2.	The Godavari Central Delta.	Rs.30/- per acre per annum.
3.	The area consisting of the Godavari Western Delta, the Krishna Eastern and the Krishna Central Delta.	Rs.50/- per acre per annum.
4.	The Krishna Western Delta.	Rs.40/- per acre per annum.
5.	The Sangam Delta of Pennar River.	Rs.40/- per acre per annum.
6.	The Nellore Delta of Pennar River.	Rs.40/- per acre per annum.