

U.P. Irrigation (Emergency Powers) Act, 1950

UTTAR PRADESH

India

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Act 3 of 1951

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U.P. Irrigation (Emergency Powers) Act, 1950 U. P. Act No. 3 of 1951 [Dated 29th January, 1951] Received the assent of the Governor on the 29th January, 1951 and published in the U. P. Gazette (Extraordinary), dated 29th January, 1951. An Act to provide for the distribution and use of water for irrigation from private sources of supply or storage of water ;Whereas by the U.P. Irrigation (Emergency Powers) Ordinance, 1950 provision was made for the distribution and use of water for irrigation from private sources of supply or storage of water; And whereas the said Ordinance being limited in duration, will expire on the expiry of the six week from the re-assembly of the Uttar Pradesh Legislature and it is necessary to replace the said Ordinance by an Act of the Legislature; It is hereby enacted as follows :

1. Short title, extent, commencement and duration.

(1) This Act may be called the Uttar Pradesh Irrigation (Emergency Powers) Act, 1950. (2) It extends to the whole of Uttar Pradesh. (3) It shall come into force at once. (4) It shall cease to have effect on the expiry of April 30, 1951, except as respects things done or omitted to be done before the expiration thereof, and Section 6 of the United Provinces General Clauses Act, 1904 shall apply upon the expiry of the Act as if it had then been repealed by an United Provinces Act.

2. Definition.

- In this Act, "State Government" means the Government of Uttar Pradesh.

3. Order for use of water for irrigation.

(1) Whenever the District Magistrate receives an application for permission to use the water of any tank, reservoir, well, water-course or other collection of water for irrigation and is satisfied that it is expedient to grant the application and grant of the permission will not adversely affect the cultivation of the person in possession of the source of supply or storage of water, he may pass an ex

parte order granting the application and make such further order as may appear necessary for carrying out the same.(2)Without prejudice to the generality of the foregoing provision the order may provide,-(i)for water rate to be paid to the person in possession by the applicant for the use of the water and the period during which it may be used;(ii)for the construction of water-courses and defraying the cost of these constructions or the prohibiting or restricting or the doing of any act which may cause obstruction to water-course;(iii)for any incidental and supplementary matters, which the District Magistrate thinks necessary.

4. Charges for use of water.

- Before making an order under Section 3 regard shall be had to the diminution of water and the damage to fish which is likely to result on account of the order and in fixing rate under Clause (i) of sub-section (2) of Section 3 due allowance shall be made for this fact.

5. Power to require information.

- The District Magistrate may, with a view to making an order under Section 3, by order, require any person to furnish such authority as may be specified in the order, such information in his possession as may be specified.

6. Inviting of objections.

- As soon as may be practicable after the making of an order under Section 3, the District Magistrate shall cause notice to be given of the order in such manner as he may direct inviting objections from persons interested, and after hearing any objection that may be received may revoke or rescind the order or pass such further order as may appear to him to be necessary.

7. Delegation of powers by District Magistrate.

- The District Magistrate may from time to time declare, by order in writing, the officers by whom and the local limits within which, all or any of the powers or duties conferred or imposed on him by this Act may be exercised or performed.

8. Expiry of order.

- No order passed under this Act shall remain in force after the expiry of three months from the date of issue.

9. Penalty.

- If any person contravenes, or obstructs the carrying out of any order made under this Act, he shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

10. Protection of action taken under the Act.

(1) No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done in pursuance of any order made or deemed to be made under this Act. (2) No suit or other legal proceeding shall be instituted against the State for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any order made or deemed to be made under this Act.

11. Power to make Rules.

- The State Government may, by notification in the Official Gazette, make rules to give effect to the purposes of this Act.

12. Repeal.

- The Uttar Pradesh Irrigation (Emergency Powers) Ordinance, 1950 is hereby repealed and the provisions of Sections 6 and 24 of the U.P. General Clauses Act, 1904 shall apply as if it had been an Act repealed by an United Provinces Act.