

The Bombay Irrigation (Gujarat Extension and Amendment) Act, 1961

Act 1 of 1962

Keyword(s):

Artesian Well, Borewell, Ground Water, Regional Canal Officer, Tubewell

Amendments appended: 6 of 1963, 45 of 1976, 24 of 1982, 6 of 1984

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The Gujarat Government Gazette

EXTRAORDINARY

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and Regulations made by the Governor.

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The following Act of the Gujarat Legislature having been assented to by the President on the 16th January 1962 is hereby published for general information.

M. G. MONANI,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT No. I OF 1962

(First published, after having received the assent of the President in the "Gujarat Government Gazette" on the 29th January 1962)

An Act to extend the Bombay Irrigation Act, 1879 to the Saurashtra and Kutch areas of the State of Gujarat, to repeal corresponding laws and to further amend that Act for certain purposes.

It is hereby enacted in the Twelfth Year of the Republic of India as follows :—

1. (1) This Act may be called the Bombay Irrigation (Gujarat Extension and Amendment) Act, 1961

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

Amendment of section 1 of Bom. VII of 1879. 2. To section 1 of the Bombay Irrigation Act, 1879 the following proviso shall be added, namely :—

“Provided that on and from the commencement of the Bombay Irrigation (Gujarat Extension and Amendment) Act, 1961, this Act shall extend to the whole of the State of Gujarat.”.

Amendment of section 3 of Bom. VII of 1879. 3. In section 3 of the Bombay Irrigation Act, 1879 as extended to the whole of the State of Gujarat (hereinafter referred to as “the principal Act”), after clause (7) the following new clauses shall be added, namely :—

“(8) “the Land Acquisition Act” means —

(a) in the Bombay area and the Kutch area of the State of Gujarat, the Land Acquisition Act, 1894 as in force in those areas;

(b) in the Saurashtra area of the State of Gujarat, the Land Acquisition Act, 1894 as adapted and applied to that area;

(9) “the Land Revenue Code” means —

(a) in the Bombay area and the Saurashtra area of the State of Gujarat, the Bombay Land Revenue Code, 1879 and

(b) in the Kutch area of the State of Gujarat, the Bombay Land Revenue Code, 1879 as applied to that area.”.

Amendment of section 7 of Bom. VII of 1879. 4. In section 7 of the principal Act, for the words and figures “Land Acquisition Act, 1870” the words “Land Acquisition Act” shall be substituted.

Amendment of section 19 of Bom. VII of 1879. 5. In section 19 of the principal Act, for the words and figures “Land Acquisition Act, 1870” the words “Land Acquisition Act” shall be substituted.

Substitution of section 39 of Bom. VII of 1879. 6. For section 39 of the principal Act, the following shall be substituted, namely :—

“39 (1) The Collector shall inquire into every such claim and determine the amount of compensation, if any, which should, in his opinion be given to the claimant and shall make an award.

(2) Every award made under sub-section (1) shall be in the form prescribed in section 26 of the Land Acquisition Act and the provisions of the said Act shall so far as may be, apply to the inquiry and the making of an award under sub-section (1).”.

Amendment of sections 51, 53 and 57 of Bom. VII of 1879. 7. In sections 51, 53 and 57 of the principal Act, for the words and figures “the Bombay Land Revenue Code, 1879” the words “the Land Revenue Code” shall be substituted.

Amendment of section 56E of Bom. VII of 1879. 8. In section 56E of the principal Act, after sub-section (2) the following sub-sections shall be inserted, namely :—

“(3) All notifications issued under sub-section (1) shall be laid before the State Legislature as soon as may be after they are issued and shall be subject to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following.

(4) Any modifications made by the State Legislature shall be notified in the *Official Gazette* and shall thereupon take effect.”.

9. Section 70 of the principal Act, shall be renumbered as sub-section (1) of that section and after that sub-section (1) as so renumbered the following new sub-sections shall be inserted, namely :—

Amendment
of section
70 of Bom.
VII of 1879.

“(2) All rules made under this section shall be laid for not less than thirty days before the House of the State Legislature as soon as may be after they are made and shall be subject to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following.

(3) Any modifications made by the State Legislature shall be notified in the *Official Gazette* and shall thereupon take effect.”.

10. In section 85 of the principal Act, for the words and figures “the Bombay Land Revenue Code, 1879” the words “the Land Revenue Code” shall be substituted.

Amendment
of section 85
of Bom. VII
of 1879.

11. Section 89 of the principal Act shall be renumbered as sub-section (1) of that section and after that sub-section (1) as so renumbered the following new sub-sections shall be inserted, namely :—

Amendment
of section
89 of Bom.
VII of 1879.

“(2) All rules made under this section shall be laid for not less than thirty days before the House of the State Legislature as soon as may be after they are made and shall be subject to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following.

(3) Any modifications made by the State Legislature shall be notified in the *Official Gazette* and shall thereupon take effect.”.

12. After section 89 of the principal Act, the following section shall be inserted, namely :—

Insertion
of section
90 in Bom.
VII of 1879

Guj. I
of
1962.
Sau.
Act
XV of
1951.

“ 90 (1) On the date of the commencement of the Bombay Irrigation (Gujarat Extension and Amendment) Act, 1961, the Saurashtra Irrigation Act, 1951 shall stand repealed.

Repeal and
savings.

(2) Nothing in sub-section (1) shall affect —

(a) the previous operation of the enactment so repealed or anything duly done or suffered thereunder ; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the enactment so repealed ; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence under the enactment so repealed ; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid ;



4 GUJ. GOVT. GAZ., EX., JAN. 29, 1962 / MAGHA 9, 1883 [PART IV

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the Bombay Irrigation (Gujarat Extension and Amendment) Act, 1961 had not been passed :

Guj. I
of
1962.

Provided that, anything done or any action taken under the enactment so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to be in force accordingly unless and until it is superseded by anything done or any action taken under this Act."

Extra No. 6

REGISTERED No. G-449



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PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor

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The following Act of the Gujarat Legislature, having been assented to by the President on the 23rd January 1963, is hereby published for general information.

M. G. MONANI,
Secretary to the Government of
Gujarat, Legal Department.

GUJARAT ACT NO VI OF 1963.

(First published, after having received the assent of the President in the Gujarat Government Gazette on the 29th January 1963).

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:—

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

Bom. VII of 1879. 2. In the Bombay Irrigation Act, 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:—

Insertion of section 16A in Bom. VII of 1879.

"Obligation regarding construction of water-courses.

Obligation of holder of land to construct water-course.

15A. 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."

Insertion of sections 20A to 20 F in Bom. VII of 1879.

3. After section 20 of the principal Act, the following heading and sections shall be inserted, namely:—

"Scheme for construction of water-courses.

Scheme for construction of water-courses.

20A. (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 water-course 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. (1) On receipt of a copy of the notification published under sub-section (5) of section 20 A, 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. 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 has 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 cost of acquisition of the land made under the final scheme.

Canal-officer to construct water-course.

20D. 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.

Consequences of completion of construction of water-course.

20E. (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 25 (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.

Mode of payment of cost of construction of water-course etc.

20F. (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 4% 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. In section 70 of the principal Act, in sub-section (1), after clause (c), the following clauses shall be inserted, namely :—

Amendment
of section 70
of Bom. VII
of 1879.

- “(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;”.



Extra No. 19

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PART VI

Acts of Parliament and Ordinances promulgated by the President

GOVERNMENT OF GUJARAT

LEGAL DEPARTMENT

Sachivalaya, Gandhinagar, 23rd December, 1976.

No. 35628/B.—The following President's Act assented on the 23rd December 1976, is published for general information:—

THE BOMBAY IRRIGATION (GUJARAT AMENDMENT) ACT, 1976.

[Act No. 45 of 1976]

Enacted by the President in the Twenty-seventh year of the Republic of India

AN ACT

further to amend the Bombay Irrigation Act, 1879, as in force in the State of Gujarat.

In exercise of the powers conferred by section 3 of the Gujarat State Legislature (Delegation of Powers) Act, 1976, the President is pleased to enact as follows:

44 of
1976.



Short
title
and
commence-
ment.

1. (1) This Act may be called the Bombay Irrigation (Gujarat Amendment) Act, 1976.

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

Insertion
of new
Part XII
in Bombay
Act VII
of 1879.

2. In the Bombay Irrigation Act, 1879, as in force in the State of Gujarat, after Part XI, the following Part and Schedule shall be inserted, namely :—

“PART XII

SPECIAL PROVISIONS REGULATING THE CONSTRUCTION AND MAINTENANCE OF TUBEWELLS, ARTESIAN WELLS AND BOREWELLS.

Definitions.

92. In this part, unless the context otherwise requires,—

(a) “artesian well” means a well which taps artesian or piezic water having piezo-metric level above the ground;

(b) “Borewell” means a well drilled in hard rock areas where the bore can stand on its own and where lining by pipes is not necessary, and includes a dug-cum-bore well;

(c) “Ground water” means water under the surface of the earth regardless of the geological structure in which it is stationary or moving and includes all ground water reservoirs;

(d) “prescribed” means prescribed by rules made under section 101;

(e) “Regional Canal Officer” means a Canal Officer authorised by the State Government by notification in the *Official Gazette* to perform the functions of the Regional Canal Officer under this Part in such area as may be specified in the notification;

(f) “Tubewell” means a deep bore drilled into the ground for the purpose of drawing water through one or series of permeable layers of water bearing strata.

Areas to
which
this Part
applies.

93. (1) The provisions of this Part shall apply in the first instance to the areas specified in the Schedule.

(2) The State Government may, by notification in the *Official Gazette*, apply the provisions of this Part to such other areas as may be specified in the notifications.

(3) The State Government may, by a like notification, direct that the provisions of this Part shall cease to apply to such area on and from such date as may be specified in the notification; and with effect on and from that date, the said provisions shall cease to apply to such area, except as respects things done or omitted to be done before such cesser.

94. Notwithstanding anything contained in the Bombay Land Revenue Code or in any other law for the time being in force, no holder of any land assessed or held for the purpose of agriculture within the meaning of the said Code (hereafter in this part referred to as agricultural land) shall after the commencement of the Bombay Irrigation (Gujarat Amendment) Act, 1976 construct, or cause or permit to be constructed, any tubewell, artesian well or borewell, exceeding forty-five metres in depth for extracting ground water except under and in accordance with the terms and conditions (including conditions relating to the maintenance of such well) of a licence issued under section 95 and the rules made under section 101.

Regulation
of construction
and
maintenance
of tubewells,
etc.

95. (1) Where a holder of any agricultural land desires to construct therein any tubewell, artesian well or borewell, exceeding forty-five metres in depth for extracting ground water, he shall make an application to the Regional Canal Officer having jurisdiction for the grant of a licence.

Grant of
licence.

(2) Every application made under sub-section (1) shall be in such form, shall contain such particulars and shall be accompanied with such fees as may be prescribed.

(3) On the receipt of an application under sub-section (1) the Regional Canal Officer may, after making such inquiry as he thinks fit and having regard to the availability and quality of ground water and the density of wells in the area in which the tubewell, artesian well or borewell, as the case may be, is proposed to be constructed and such other relevant factors as the circumstances of the case may require, by order, grant or refuse to grant the licence applied for :

Provided that before refusing to grant the licence, the applicant shall be given a reasonable opportunity of being heard in the matter :

Provided further that where the Regional Canal Officer to whom an application has been made under sub-section (1) fails to inform the applicant of his decision on the application within a period of three months from the date of receipt of the application, the licence shall be deemed to have been granted to the applicant.

(4) Every licence granted or deemed to have been granted under sub-section (3) shall be in such form as may be prescribed and shall be subject to such terms and conditions as may be specified therein, including conditions relating to the maintenance of the well.

96. Where any tubewell, artesian well or borewell is in existence in an agricultural land at the commencement of the Bombay Irrigation (Gujarat Amendment) Act, 1976 and the depth of such well is in excess of forty-five metres, then the holder of the agricultural land shall, within three months from such commencement, furnish information in respect of the well to the Regional Canal Officer having jurisdiction, in such form as may be prescribed and on receipt of the information, the Regional Canal Officer shall if he is satisfied that the well was in existence at such commencement grant to the holder of land a certificate in the prescribed form to the effect that the said well was in existence at such commencement.

Regulation
of existing
tubewells,
etc.

Cancellation
of licence.

97. If the Regional Canal Officer is satisfied either on a reference made to him in this behalf or otherwise that —

(a) any licence granted under section 95 has been obtained by fraud or misrepresentation as to an essential fact, or

(b) the holder of a licence has, without reasonable cause, failed to comply with the terms and conditions subject to which the licence has been granted, or has contravened any of the provisions of this Part or the rules made under section 101, then, without prejudice to any other penalty to which the holder of the licence may be liable under this Part, the Regional Canal Officer may after giving the holder of the licence an opportunity of showing cause, by order, cancel the licence.

Appeals.

98. (1) Any person aggrieved by an order of the Regional Canal Officer made under section 95 or section 97 or section 99 may prefer an appeal to the prescribed authority against such order within the prescribed period and the decision of the prescribed authority on such appeal shall be final.

(2) Every appeal preferred under sub-section (1) shall bear court-fee stamps of such value as may be prescribed.

Regulation of
use of
water.

99. (1) No holder of agricultural land in which there is a tubewell, artesian well or borewell, exceeding forty-five metres in depth shall allow any water from such well to be used for a purpose other than for the purpose of agriculture or of drinking or to be wasted either through leaky casing, pipe fittings, valves or pumps either above or below the surface or on account of any other reason whatsoever:

Provided that such holder may allow water from such well to be used for any purpose other than for the purpose of agriculture or of drinking if the Regional Canal Officer, subject to any general or special order made by the State Government, by order permits the use of water for such purpose.

(2) If in the opinion of the Regional Canal Officer water from any tubewell, artesian well or borewell exceeding forty-five metres in depth, is used for a purpose other than for the purpose of agriculture or of drinking, without the order of the Regional Canal Officer, or is wasted, he may, after giving the holder of the agricultural land in which such well is situated, a notice of not less than thirty days, by order require him to close or seal off the well at his expense and in such manner as the Regional Canal Officer may specify in such order and the holder of such agricultural land shall comply with such order.

(3) Where any holder of agricultural land fails to comply with any order made under sub-section (2), the Regional Canal Officer may, after giving the holder of the agricultural land due notice in that behalf, enter upon the land and close or seal off the well and the cost incurred therefor shall be recoverable from the holder as an arrear of land revenue.

Penalty.

100. If any person contravenes the provisions of section 94 or section 96, or any rules made under section 101 in respect of the construction or maintenance of tubewells or any of the terms or conditions specified in a licence

granted under section 95 he shall, on conviction, be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

101. (1) The State Government may, by notification in the *Official Gazette* and after previous publication, make rules to carry out the provisions of this Part. Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the form of application for the grant of a licence under section 95, the particulars to be contained in such application and the fees to be accompanied with such application;

(b) the form of licence to be granted under section 95;

(c) the form in which information may be furnished by the holder of an agricultural land under section 96 and the form of certificate to be granted under that section;

(d) the authority to which an appeal may be preferred under section 98, the period within which such appeal shall be preferred and the value of court-fee stamps which such appeal shall bear;

(e) the manner of construction of tubewells, artesian wells or borewells exceeding forty-five metres in depth;

(f) any other matter which is required to be, or may be, prescribed.

(3) All rules made under this section shall be laid for not less than thirty days before the State Legislature, as soon as may be after they are made and shall be subject to rescission by the State Legislature or such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(4) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

THE SCHEDULE

[See section 93 (1)]

Areas

1. Ahmedabad District.
2. Banaskantha District.
3. Baroda District.
4. Broach District.
5. Gandhinagar District.
6. Kaira District.
7. Kutch District.
8. Mehsana District.
9. Sabarkantha District."

FAKHRUDDIN ALI AHMED,
President.

K. K. SUNDARAM,
Secretary to the Government of India.

REASONS FOR THE ENACTMENT

In some areas in the State of Gujarat, water table has gone down ranging from five metres in Banaskantha District to about fifteen metres in Mehsana District resulting in the dryings up of several wells in those areas. It has also become very difficult to obtain water by digging additional wells in such areas. In order to prevent further decline of the water table in such areas, it is considered necessary to regulate the construction of tubewells, artesian wells and borewells exceeding forty-five metres in depth in any land assessed or held for the purpose of agriculture and to provide for matters incidental thereto. The measure seeks to amend the Bombay Irrigation Act, 1879, as in force in the State of Gujarat so as to achieve the above object.

2. The Consultative Committee constituted under the proviso to sub-section (2) of section 3 of the Gujarat State Legislature (Delegation of Power) Act, 1976 (44 of 1976), has been consulted before the enactment of this measure as a President's Act.

S. K. BANERJEE,
Joint Secretary to the Government of India,
Ministry of Agriculture,
(Department of Agriculture).

By order and in the name of the Governor of Gujarat,

S. L. TALATI,
Secretary to Government.



Extra No. 25

REGISTERED NO. G/GNR/2

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may be filed as a separate compilation.

PART IV

Acts of the Gujarat Legislature and Ordinance promulgated and
Regulations made by the Governor.

The following Act of the Gujarat Legislature having been assented to by the
Governor on the 22nd July 1982 is hereby published for general information.

J. P. VASAVADA,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 24 OF 1982.

(First published after having received the assent of the Governor in the "Gujarat
Government Gazette" on the 5th August, 1982).

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 :—

1. This Act may be called the Bombay Irrigation (Gujarat Amendment) short title,
Act, 1982.

Bom. 2. In the Bombay Irrigation Act, 1879 (hereinafter referred to as "the principal Act"), in Part VI, the sub-heading "Irrigation Cess" and sections 56C, 56D, 56E and 56F thereof shall be deleted.

(The Deletion of sections 56C, 56D, 56E and 56F of Bom. VII of 1879.



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GUJARAT GOVERNMENT GAZETTE, EX., 5-8-82

[PART IV

Amendment
of section
57 of Bom.
VII of
1879.

3. In the principal Act, in section 57, in sub-section (2), the words, figures and letter "and the amount of the irrigation cess if not paid on the date specified in section 56F" shall be deleted.

Amendment
of section
75 of
Bom. VII
of 1879.

4. In the principal Act, in section 75, in sub-section (1), for the words, figures and letter "sections 49 to 56F" the words, figures and letter "sections 49 to 56B" shall be substituted.

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Separate paging is given to this Part in order that it may be filed as a separate
 Compilation.

PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and
 Regulations made by the Governor.

The following Act of the Gujarat Legislature having been assented to by
 the Governor on the 3rd March, 1984 is hereby published for general information

K. M. SATWANI,
 Secretary to the Government of Gujarat,
 Legal Department.

GUJARAT ACT NO. 6 of 1984.

(First published after having received the assent of the Governor in the
 "Gujarat Government Gazette" on the 7th March, 1984).

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:--

1. (1) This Act may be called the Bombay Irrigation (Gujarat Second
 Amendment) Act, 1982.

Short title
 and
 commence-
 ment.

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

Amendment
of section 3
of Bom. VII
of 1879.

2. In the Bombay Irrigation Act, 1879 (hereinafter referred to as "the principal Act") in section 3,—

Bom.
VII of
1879.

(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 ;"

Amendment
of Parts
III, IV, VI,
VIII, IX and
X of Bom.
VII of 1879.

3. 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.

Deletion of
section 24
of Bom.
VII of
1879.

4. In the principal Act, section 24, shall be deleted.

Amendment
of section 25
of Bom.
VII of 1879.

5. 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. In the principal Act, in section 28, in clause (f), the words and figures "under section 91" shall be deleted. Amendment of section 28 of Bom. VII of 1879.
7. 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, he shall be liable to pay interest at such rate and within such period as the State Government may by order determine"; Amendment of section 57 of Bom. VII of 1879.
 (2) in sub-section (2), after the words "instalment thereof" the words "or interest" shall be inserted.
8. In the principal Act, after section 69, the following new sections shall be inserted, namely:— Insertion of new sections 69A and 69B in Bom. VII of 1879.
- 69A.** No suit, prosecution or other legal proceeding shall lie 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. Protection of action taken in good faith.
- 69B.** 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." Use of land acquired for field channel for other purpose.
9. 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; Amendment of section 73 of Bom. VII of 1879.
 (2) in sub-section (3), for the word "channel" the words "channel, water course" shall be substituted.
10. In the principal Act, section 88 shall be deleted. Deletion of section 88 of Bom. VII of 1879.
11. In the principal Act, in section 91, for the word "channel" the words "channel, water-course" shall be substituted. Amendment of section 91 of Bom. VII of 1879.