The Tamil Nadu Irrigation (Voluntary Cess) Act, 1942

Act 13 of 1942

Keyword(s):
Drainage Work, Estate, Irrigation Work

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[1][TAMIL NADU] ACT No. XIII OF 1942[2].

[THE [1](TAMIL NADU) IRRIGATION (VOLUNTARY CESS) ACT, 1942.]

(*Received the assent of the Governor on the 8th June* 1942 ; *first published in the Fort St. George Gazette on the* 23*rd June* 1942.)

An Act to provide for the levy of a voluntary cess for the maintenance of certain irrigation and drainage works serving ryotwari tracts in the [3][State of Tamil Nadu].

WHEREAS it is expedient to provide for the levy of a cess for the maintenance of certain irrigation and drainage works serving ryotwari tracts in the [3][State of Tamil Nadu], where the registered holders of not less than two-thirds of the lands served by such works so desire; [4][It is hereby enacted as follows :—]

Short title, extent and commencement.

1. (1) This Act may be called the [1][Tamil Nadu] Irrigation (Voluntary Cess) Act, 1942.

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[1] These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

[2] For Statement of Objects and Reasons, see *Fort St. George Gazette*, dated the 9th December 1941—Part IV-A, pages 187-189.

This Act was extended to the merged State of Pudukkottai by section 3 of, and the First Schedule to, the Tamil Nadu Merged States (Laws) Act, 1949 (Tamil Nadu Act XXXV of 1949).

This Act was extended to the Kanyakumari district and the Shencottah taluk of the Tirunelveli district by section 28 of the Tamil Nadu (Transferred Territory) Ryotwari Settlement Act, 1964 (Tamil Nadu Act 30 of 1964) repealing the corresponding law in force in that territory.

[3] This expression was substituted for the expression "Province of Madras" by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.

[4] These words were substituted for the paragraph containing the enacting formula and the paragraph preceding that paragraph by section 5 of the Tamil Nadu Re-enacting (No. II) Act, 1948 (Tamil Nadu Act VIII of 1948).

(2) It extends to the whole of the [1][State of Tamil Nadu].

(3) This section shall come into force at once, and the rest of this Act shall come into force on such [2]date as the [3][State] Government may, by notification in the *Fort St. George Gazette*, appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(1) 'drainage work' includes—

(*a*) channels, either natural or artificial, for the discharge of waste or surplus water and all works connected with or auxiliary to such channels, and

(*b*) escape channels from an irrigation work, dams, weirs, embankments, sluices, groins and all works for the protection of lands from flood or from erosion,

which are owned or controlled by the [3][State] Government, or which are maintained by them otherwise than by an assignment of land or land revenue, or which, having been constructed by the Government or being maintained by an assignment of land or land revenue made by them, have not been made over to any person,

but does not include works for the removal of sewage ;

(2) 'estate' shall have the same meaning as in the [4][Tamil Nadu] Estates Land Act, 1908; [4][Tamil Nadu] Act I of 1908.

[1] This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

[2] Came into force on the 16th May 1944.

[3] This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

[4] These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

(3) 'irrigation work' includes—

(*a*) all canals, channels, tanks, wells and reservoirs used for the supply or storage of water and all works, embankments and structures (other than escape channels) connected therewith,

which are owned or controlled by the [1][State] Government, or which are maintained by them otherwise than by an assignment of land or land revenue, or which, having been constructed by the Government or being maintained by an assignment of land or land revenue made by them, have not been made over to any person ;

(*b*) all such lakes and other natural collections of water or parts thereof as are not situate in an estate or estates or on lands held by registered holders ;

(*c*) all lands used for the purposes of the irrigation works referred to in sub-clauses (*a*) and (*b*) and all buildings, machinery, fences, gates and other erections occupied by, or belonging to, the [1][State] Government on such lands ; and

(*d*) all such rivers and natural streams or parts thereof as are not situate in an estate or estates or on lands held by registered holders, and all rivers in so far as they are navigable ;

(4) 'registered holder' means any person in whose name land not included in an estate is for the time being registered in the revenue accounts of Government.

Levy of cess under the Act.

3. Whenever the registered holders of not less than two-thirds of the lands served by any irrigation or drainage work so desire, the [1][State] Government may levy an annual cess from all the registered holders of lands served by such work, at such rate per acre as the [1][State] Government may from time to time determine, but not exceeding the maximum rate agreed to by the registered holders of not less than two-thirds of the lands served by such work :

[1] This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

Provided that no cess shall be levied under this section unless the maximum rate aforesaid has been published in the village or villages concerned.

Manner of determining and administering cess.

4. The cess shall be determined and administered in such manner as may be prescribed by rules made under this Act.

Payment and recovery of the cess.

5. The cess shall, on demand, be payable by the registered holder or any of the joint registered holders, as the case may be, and if not paid, may be recovered from such holder or any of such holders, as if it were an arrear of land revenue.

Cancellation of the cess.

6. The [1][State] Government may at any time cancel the levy of the cess or reduce the rate at which it is being levied, and shall do so, whenever the registered holders of not less than two-thirds of the lands served by such work so desire. In the latter case, the cancellation or reduction shall take effect on such date as the [1][State] Government may direct not being later than the commencement of the revenue year next succeeding.

District Collector to determine certain questions.

7. If any question arises as to whether any land is or is not served by an irrigation or drainage work it shall be referred to the District Collector whose decision shall be final.

Savings.

8. Nothing in this Act shall affect the rights and obligations of the registered holders of lands served by any work to which the [2][Tamil Nadu] Compulsory Labour Act, 1858, applies, provided that no customary aid shall be requisitioned under section 6 of the said Act during any period in respect of which a cess is levied under this Act. Central Act I of 1858.

Bar of jurisdiction of Civil Courts.

9. No Civil Court shall have authority to take into consideration or decide any question as to the validity or rate of any cess levied under this Act.

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1 This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

2 These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

10. (1) The [1][State] Government may make rules to carry out all or any of the purposes of this Act and not inconsistent therewith. Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, they may make rules as to—

(*a*) the manner in which, and the authority or authorities through whom, applications from registered holders under section 3 or section 6 shall be submitted to the [1][State] Government ;

(*b*) the method of ascertaining the desire of the registered holders of any land where there are two or more registered holders of such land, for all or any of the purposes specified in this Act or in the rules made thereunder ;

(*c*) the determination and the administration of any cess levied under this Act.

(3) All rules made under this section shall be published in the *Fort St. George Gazette*, and upon such publication, shall have effect as if enacted in this Act.

1 This word was substituted for the word "Provincial" by Adaptation Order of 1950.

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