The Parambikulam-Aliyar Project (Regulation of Water-Supply) Act, 1993

Act 20 of 1993

Keyword(s):
Owner, Parambi-Kulam-Aliyer Project

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Part IV—Section 2

Tamil Nadu Acts and Ordinances.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 19th May 1993 and is hereby published for general information:—

ACT No. 20 OF 1993.

An Act to regulate the Supply of Water from the Parambikulam-Aliyar Project and matters connected therewith.

[illegible] Article 48 of the Constitution of India, the State shall endeavour to [illegible] agriculture on modern and scientific lines ;

AND WHEREAS in the interest of the general public and in order that maximum possible advantageous result in the matter of agricultural production and for bringing prosperity to the backward and drought-prone areas, it has been considered necessary, as a measure of agrarian reform, to bring more lands under cultivation in the Coimbatore and Periyar districts by regulating the irrigation system in the Parambikulam-Aliyar Project for optimum use possible in pursuance of the directive principles enshrined in the said Article 48 of the Constitution of India;

AND WHEREAS the original extent of 2,02,152 acres of land are getting water supply from the Parambikulam-Aliyar Project for irrigation on rotational basis from the year 1967 by dividing the entire ayacuts of 2,02,152 acres of land into three zones and by supplying water once in 18 months on rotational basis to each zone;

AND WHEREAS ever since the inception of Parambikulam-Aliyar Project, there have been frequent representations from the ryots of the proverbially drought-prone taluks of Palladam, Dharapuram, Udumalpet and Pollachi for the extension of existing ayacut of the Parambikulam-Aliyar Project, so that more drought-prone areas can have the benefit of irrigation ;

AND WHEREAS the Government have approved the extension of ayacut under Parambikulam Aliyar Project by 1,75,000 acres of land in the above said taluks ;

AND WHEREAS the Government have issued orders in G.O. Ms. No. 126, Public Works Department, dated the 29th day of January 1976 adding 1,15,000 acres of land to the irrigation system covered by Parambikulam-Aliyar Project ;

AND WHEREAS two writ petitions were filed in the High Court, Madras in W. Ps. No. 575/78 and 1309/78 against the said order and the High Court has directed that before supplying water to the new ayacutdars in the extended ayacut, the original ayacutdars are first assured of supply of sufficient water subject to availability once in eighteen months, as regularly as possible or practicable ;

AND WHEREAS in view of the above direction of the High Court, Madras, the Government have called for a detailed report from the Chief Engineer (Irrigation) who has reported that with the available water potential, water can be supplied to the extended area by dividing the entire ayacuts into four zones, each zone getting water for a period of 4½ months to 6 months once in two years and therefore has suggested that water may be supplied to the new ayacuts of 1.75 lakhs acres of land from the said project :

AND WHEREAS the Government have after carefully considering the report of the Chief Engineer (Irrigation) and after obtaining the opinion of the experts in this matter, accepted the proposal for re-zoning the ayacuts covered by Parambikulam-Aliyar Project into four zones as feasible;

AND WHEREAS the Government, after taking into consideration the aforesaid factors, have decided to provide irrigation facilities under Parambikulam-Aliyar Project dividing the whole area into four zones, providing irrigation to each zone once in two years as against the existing three zones providing irrigation to each zone once in 18 months, in view of the drought-prone nature of the area and in view of the infrastructural facilities already created in the said Project incurring huge expenditure ;

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-fourth Year of the Republic of India as follows :—

Short title, application and commencement.

1. (1) This Act may be called the Parambikulam-Aliyar Project (Regulation of Water-Supply) Act, 1993.

(2) It applies to the Coimbatore and Periyar districts in the State of Tamil Nadu.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) 'Government' means the State Government ;

(b) 'owner' in relation to any land includes any person having an interest in such land ;

(c) 'Parambikulam-Aliyar Project', includes the Parambikulam Main canal, Udumalpet canal and High level canal in Palar Basin and the Pollachi canal, Vettaikaranpudur canal, Sethumadai canal and the Aliyar Feeder canal in the Aliyar Basin and their distributaries ;

(d) 'Schedule' means the Schedule appended to this Act.

Regulation of supply of water for agricultural purposes from Parambikulam-Aliyar project.

3. (1) Notwithstanding anything contained in any law for the time being in force or in any judgment, decree or order of any court, Tribunal or other authority or any custom, agreement or usage or any rule, notification or order made or issued by the Government relating to inclusion of ayacuts in the Parambikulam-Aliyar Project or supply of water to such ayacuts or parts thereof and in force on the date of publication of this Act in the *Tamil Nadu Government Gazette*, the Government may, after consulting the Chief Engineer (Irrigation) or such other officer or authority as they may consider necessary, by notification, regulate on rotational basis in accordance with the rules as may be prescribed, the supply of water for agricultural purposes to a total extent of 3,77,152 acres of land in the Parambikulam-Aliyar Project, comprised in the four zones as specified in the Schedule.

(2) The Government shall, before issuing a notification under sub-section (1), take into consideration the following matters :—

(*a*) the interest of the general public ;

(*b*) the maximum possible advantage which may result in agricultural production in extending the supply of water to more lands ;

(*c*) the advantage of bringing prosperity to the backward and drought-prone areas by bringing them within the ayacuts ;

(*d*) the availability of water to the existing ayacuts ;

(*e*) the optimum utilisation of the available water to a larger extent of ayacuts ; and

(*f*) such other matters as may be prescribed.

Suits and applications barred.

4. No court shall entertain any suit or application for the issue of any injunction or interim order restraining any proceeding which is being or about to be taken under section 3 or the rules made thereunder for regulating the supply of water, by the Government or by any officer authorised under section 5, in the Parambikulam-Aliyar Project.

Delegation of powers.

5. (1) The Government may, by notification, authorise any officer not below the rank of Chief Engineer (Irrigation) to exercise the powers to regulate the supply of water for agricultural purposes vested in them under section 3.

(2) The exercise of any power delegated under sub-section (1) shall be subject to such restrictions and conditions as may be specified in the notification and subject also to control and revision by the Government.

Protection of action taken in good faith.

6. (1) No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act.

(2) No suit or other legal proceedings shall lie against the Government 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 this Act.

Power to remove difficulties.

7. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by an order published in the *Tamil Nadu Government Gazette*, make such provisions not inconsistent with the provisions of this Act, as appear to them to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of publication of this Act in the *Tamil Nadu Government Gazette*.

Power to amend Schedule.

8. The Government may, by notification, amend the Schedule prospectively or retrospectively.

Power to make rules.

9. (1) The Government may, by notification in the *Tamil Nadu Government Gazette*, make rules to carry out the purposes of this Act.

(2) (*a*) All rules made under this Act shall be published in the *Tamil Nadu Government Gazette* and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(*b*) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the date on which they are published.

(3) Every rule, or order made or notification issued under this Act shall, as soon as possible after it is made or issued, be placed on the table of the Legislative Assembly, and if before the expiry of the session in which it is so placed or the next session, the Legislative Assembly agrees that the rule or order, or notification should not be made or issued, the rule or order or, notification shall thereafter have effect, only in such modified form or be of no effect, 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 or order or notification.

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THE SCHEDULE.

[*See* sections 3 (1) and 8.]

Serial number.	*Zone.*	*Taluk.*	*Extent of land acres.*
(1)	(2)	(3)	(4)
1	Zone I	Pollachi, Udumalpet, Palladam and Tiruppur in Coimbatore district and Kangeyam and Dharapuram in Periyar district.	98,558
2	Zone II	Do.	98,418
3	Zone III	Do.	94,024
4	Zone IV	Do.	86,152

(By order of the Governor)

M. MUNIRAMAN,
Secretary to Government, Law Department.

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