



The Bombay Irrigation (Gujarat Amendment) Act, 1973

Act 27 of 1973

Keyword(s):

Irrigation, Water-Course, Canal, Land, Water-Supply, Channel, Stream, River, Well, Tube-Well, Artesian-Well, Reservoir

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.



सत्यमेव जयते

The Gujarat Government Gazette
EXTRAORDINARY
 PUBLISHED BY AUTHORITY

Vol. XIV] WEDNESDAY, NOVEMBER 28, 1973/AGRAHAYANA 7, 1895

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

PART IV

**Acts of 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 27th November 1973 is hereby published for general information.

S. S. SHAH,

Secretary to the Government of Gujarat,
 Legal Department.

GUJARAT ACT NO. 27 OF 1973

(First published after having received the assent of the Governor in the *Gujarat Government Gazette* on the 28th November 1973).

An Act further to amend the Bombay Irrigation Act, 1879 for certain purposes.

It is hereby enacted in the Twenty-fourth Year of the Republic of India as follows :—

1. (1) This Act may be called the Bombay Irrigation (Gujarat Amendment) Act, 1973. Short title and commencement.

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

2. In the Bombay Irrigation Act, 1879 (hereinafter referred to as "the principal Act"), in section 3, for clauses (8) and (9), the following clauses shall be substituted, namely :— Amendment of section 3 of Bom. VII of 1879.

“(8) “prescribed” means prescribed by rules made under this Act ;

(9) "the Land Acquisition Act" means the Land Acquisition Act, 1894; I of 1894.

(10) "the Land Revenue Code" means the Bombay Land Revenue Code, Bom. V of 1879."

Amendment
of section
20A of Bom.
VII of
1879.

3. In section 20A of the principal Act —

(1) in sub-section (2) —

(i) in item (iv), the word "approximate" shall be deleted;

(ii) in item (vi), for the words "a water course" the words "the water-course" shall be substituted;

(iii) for item (ix), the following item shall be substituted, namely:—

"(ix) the extent of the liability of each holder of land to construct the water-course, and in the event of the holder not intimating under clause (d) of sub-section (5) that he is willing to construct the water-course himself or jointly with others or intimating that he is not willing to do so, the extent of the liability of such holder of land to pay the cost of the construction of the water course;"

(2) in sub-section (4), —

(i) the words "in the *Official Gazette* and shall also simultaneously publish it" shall be deleted;

(ii) the words "in the *Official Gazette*" occurring at the end shall be deleted;

(3) in sub-section (5), —

(i) in clause (b), for the words "by notification in the *Official Gazette* and in such other manner" the words "in such manner" shall be substituted and the word "and" at the end shall be deleted;

(ii) in clause (c), for the words "a copy of the notification so published to the Collector" the words "a copy of the sanctioned scheme so published to the Collector, and" shall be substituted;

(iii) after clause (c), the following clause shall be inserted, namely:—

"(d) issue notice in the prescribed form and manner to each holder of the land mentioned in the sanctioned scheme, requiring the holder to intimate the Canal-Officer in writing, within one week from the receipt of the notice his willingness to construct by himself or jointly with other holders the water course for the carriage of water from the canal to his land."

4. In section 20B of the principal Act, in sub-section (1), —

Amendment
of section
20B of Bom.
VII of 1879.

(i) for the words "a copy of the notification" the words "a copy of the sanctioned scheme" shall be substituted;

(ii) for the words "the final scheme" the words "that scheme" shall be substituted;

(iii) after the words "the Land Acquisition Act" the words "and to take possession of such lands" shall be inserted;

(iv) the brackets and words "(if necessary)" shall be deleted.

5. For section 20C of the principal Act, the following section shall be substituted, namely:—

Substitution
of section
20C of Bom.
VII of 1879
by new
section.

"20C. On being put in possession of the land under sub-section (2) of section 20B, the authorised Canal officer shall—

Authorised
Canal-officer
to construct
water-
course.

(a) give notice to each holder of land who has expressed, under clause (d) of sub-section (5) of section 20A, his willingness to construct the water-course within the period specified in the final scheme and in the prescribed manner calling upon him to construct the water-course in his land to the extent to which he may be liable to do so under the final scheme;

(b) proceed to construct the water-course in the land to which clause (a) does not apply in accordance with the final scheme at the cost of the holder of such land; and

(c) require the holder of the land concerned to pay to the State Government, in a case where the land to be occupied by the water-course or any part thereof has been acquired by Government under section 20B, 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."

6. In section 20E of the principal Act, in sub-section (1), —

Amendment
of section 20E
of Bom.
VII of
1879.

(1) after the words "final scheme is completed" the words "the authorised Canal-officer shall" shall be inserted;

(2) in clause (i) the words "the authorised Canal-officer shall" shall be deleted; and

(3) in clause (ii), —

(a) the words "the State Government or the authorised Canal-officer, if so empowered by the State Government shall" shall be deleted;

(b) for the words "the land so transferred shall jointly vest" the words "the land so transferred shall, along with the water-course constructed thereon, jointly vest" shall be substituted.

Amendment
of section
20F of Bom.
VII of 1879.

7. In section 20F of the principal Act, in sub-section (I),—

(1) for the words “shall be paid” the words “shall, on a notice issued by the authorised Canal-officer in that behalf, be paid” shall be substituted;

(2) in clause (ii) for the word “three” the word “five” shall be substituted.

Amendment
of section
25 of Bom.
VII of 1879.

8. In section 25 of the principal Act, for the first paragraph, the following shall be substituted, namely :—

“If any owner of a water-course fails to fulfil any obligation imposed upon him by clause (a) or (b) of section 21, then—

(a) any Canal-officer duly empowered in this behalf may require him by a notice to execute the necessary work or repair within a period of not less than fifteen days to be specified in the notice, and in the event of failure of the owner to do so, may execute the same on his behalf;

(b) where such Canal-officer is satisfied that for maintaining an uninterrupted flow of water through the water-course or for maintaining the rotation of water in the water-course, it is necessary to take immediate action, to execute the necessary work or repair, he may without giving such notice to the owner execute such work or repair on behalf of the owner,

and except as hereinafter provided in this section, all expenses incurred in the execution of such work or repair shall be a sum due by such owner to the State Government.”

Amendment
of section
27 of Bom.
VII of 1879.

9. In section 27 of the principal Act, for the portion beginning with the words “If the application” and ending with the words “in each case”, the following shall be substituted, namely :—

“On submission of a written application to him, the Canal-officer may give permission for water to be taken under such special conditions and restrictions, as to the limitation, control and measurement of the supply as he shall be empowered by the State Government to impose in relation to the use of water for any particular purpose.”

Amendment
of section
28 of Bom.
VII of 1879.

10. In section 28 of the principal Act, after clause (f), the following clause shall be added, namely :—

“(g) in accordance with the condition, if any, providing for stoppage of water supply, subject to which permission for water to be taken may have been given.”

Amendment
of section
70 of Bom.
VII of 1879.

11. In section 70 of the principal Act, in sub-section (I),—

(i) for clause (cb), the following clause shall be substituted, namely :—

“(cb) the other particulars to be specified in, and the manner of publishing, a draft scheme under section 20A;”

(ii) for clause (cc), the following clause shall be substituted, namely :—

“(cc) the manner of publishing a final scheme and the manner and form of notice to be issued to each holder of land under section 20A;”.

12. After Part X of the principal Act, the following Part shall be inserted, namely :—

Insertion
of Part XI
in Bom. VII
of 1879.

“PART XI

PANCHAYAT IRRIGATION WORKS

91. Where any canal, channel, stream, river, well, tube-well, artesian well, pipe or reservoir, natural or artificial, or bandhara or any part thereof is constructed, maintained or controlled by a taluka panchayat in the exercise of its functions in the sphere of agriculture and irrigation as described in Schedule II to the Gujarat Panchayats Act, 1961, or by a district panchayat in the exercise of its functions in the sphere of minor irrigation projects as described in Schedule III to the said Act, the same shall be treated as a Panchayat Irrigation Work and such a Panchayat Irrigation Work shall be deemed to be a canal within the meaning of sub-section (1) of section 3 and to such work all the provisions of this Act shall, so far as may be, apply, subject to the following modifications, namely :—

Application
of certain
provisions
of the Act
to Panchayat
Irrigation
Works.

Guj.
VI of
1962.

(1) References to State Government in sections 11, 15, 25, sub-section (2) of section 25A and clause (a) of sub-section (4) of section 57 shall be construed as references to district panchayat;

(2) References to Collector except in sub-section (5) of section 3, sections 18 and 19, clause (c) of sub-section (5) of section 20A, and section 20B shall be construed as references to District Development Officer ;

(3) References to the Canal officer shall be construed as references to the Officer authorised for the purpose by the controlling panchayat ;

(4) In sub-section (2) of section 73, for the words “Mamlatdar’s Office” the words “Office of the Taluka Development Officer” shall be substituted ;

(5) In section 87, for the words “Patel” and “Mamlatdar” the words “gram panchayat” and “district panchayat” shall respectively be substituted.

Explanation.—For the purposes of this section “controlling panchayat” in relation to a Panchayat Irrigation Work constructed, maintained or controlled by a taluka panchayat shall mean, the taluka panchayat and in a relation to a Panchayat Irrigation Work constructed, maintained or controlled by a district panchayat shall mean the district panchayat.”.