



The Northern India Canal and Drainage (Punjab Amendment) Act, 1953

Act 19 of 1953

Keyword(s):

Canal, Drainage Work, Field, Temporary Watercourse, Tube-Well, Vessel, Watercourse

Amendments appended: 21 of 1958, 22 of 1960, 6 of 1961, 21 of 1963, 6 of 1964

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**THE NORTHERN INDIA CANAL AND DRAINAGE (PUNJAB
AMENDMENT) ACT, 1953**

(PUNJAB ACT NO XIX OF 1953) ¹

ARRANGEMENT OF SECTIONS

Sections :

1. Short title.
2. Amendment of section 59 of Act No. VIII of 1873.
3. Amendment of section 60 of Act No. VIII of 1873.

[Received the assent of the Governor of Punjab on the 24th April, 1953, and was first published in the Punjab Government Gazette (Extraordinary), of 28th April, 1953].

An Act to amend the Northern India Canal and Drainage Act, 1873 (Act No. VIII of 1873).

It is hereby enacted as follows:—

1. Short title.—This Act may be called the Northern India Canal and Drainage (Punjab Amendment) Act, 1953.

2. Amendment of section 59 of Act No. VIII of 1873.—For section 59 of the Northern India Canal and Drainage Act, 1873 (hereinafter referred to as the 'said Act'), the following shall be substituted, namely:—

“(1) The proportion of the cost, other than that which is to be defrayed by Government, in respect of such scheme, may be charged from the owners of all lands made chargeable under section 57, in accordance with rules made by the State Government in this behalf.

(2) An owner shall be competent to contribute towards the charges payable by him either wholly or in part in terms of land, labour or cash in the manner prescribed by rules made in this behalf.”

3. Amendment of section 60 of Act No. VIII of 1873.—For section 60 of the said Act, the following shall be substituted, namely. —

“Any sum certified by the Divisional Canal Officer to be due under the last preceding section and which remains unpaid after the expiry of the period during which it was payable, shall be recoverable from the owner liable for the same as if it were an arrears of land revenue.”

1. For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), dated 9th April, 1953, p. 49.

**THE NORTHERN INDIA CANAL AND DRAINAGE (PUNJAB
AMENDMENT) ACT, 1958**

(PUNJAB ACT NO. 21 OF 1958)¹

ARRANGEMENT OF SECTIONS

Sections:

1. Short title.
2. Amendment of section 3 of Act VIII of 1873.
3. Amendment of Part III of Act VIII of 1873.
4. Amendment of section 57 of Act VIII of 1873.

(Received the assent of the President on July 3, 1958 and was first published in Punjab Gaz. (Extraordinary), dt. July 10, 1958/Asadha 19, 1880, (Saka).

An Act to provide for construction, alteration and re-alignment of water courses in the State of Punjab and for certain ancillary matters.

BE it enacted by the Legislature of the State of Punjab in the Ninth Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Northern India Canal and Drainage (Punjab Amendment) Act, 1958.

2. Amendment of section 3 of Act VIII of 1873.—In clause (1) of section 3 of Part I, of the Northern India Canal and Drainage Act (hereinafter referred to as the 'principal Act') :

- (i) the following shall be added after clause (d):—
“(e) a field drain for the purposes of section 70 of this Act.”
- (ii) after sub-section (8), the following sub-sections shall be added, namely:—
“(9) “Shareholder” means a person who is interested in the land which is irrigated or likely to be irrigated by a canal and also includes a person who is interested in a field drain.
(10) “Field drain” includes drains, escape channels and other similar works formed or maintained by land-owners themselves.
(11) “Culturable commanded area” means that portion of the culturable irrigable area which is commanded by flow irrigation channel or outlet.”

3. Amendment of Part III of Act VIII of 1873.—In part III of the principal Act, pertaining to “Construction and Maintenance of Works”, the following sections shall be inserted after section 30, namely:—

“30-A. (1) Notwithstanding anything contained to the contrary in this Act and subject to the rules prescribed by the State

1. For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary) dated March 21, 1958, p. 49.

Government in this behalf, the Divisional Canal Officer, may, on his own motion or on the application of a shareholder, prepare a draft scheme to provide for all or any of the matters, namely—

- (a) the construction, alteration, extension and alignment of any water course or re-alignment of any existing water course;
 - (b) reallocation of areas served by one water course to another;
 - (c) the lining of any water course;
 - (d) any other matter which is necessary for the proper maintenance and distribution of supply of water from a water course.
- (2) Every scheme prepared under sub-section (1) shall amongst other matters, set out the estimated cost thereof, the alignment of the proposed water course or re-alignment of the existing water course, as the case may be, the site of the outlet, the particulars of the shareholders to be benefitted and other persons who may be affected thereby, and a stretch plan of the area proposed to be covered by the scheme.
- 30-B. (1) Every scheme shall, as soon as may be, after its preparation be published in such form and manner as may be prescribed by rules made in this behalf inviting objections and suggestions with respect thereof within 30 days of the publication.
- (2) After considering all objections and suggestions that may have been received by the Divisional Canal Officer, the Divisional Canal Officer shall submit the scheme with such amendments as he considers necessary together with his remarks on the objections and suggestions received by him, to the Superintending Canal Officer for his approval.
 - (3) The Superintending Canal Officer may direct the Divisional Canal Officer to furnish such information as he may require for the purpose of approving the scheme submitted to him under this section.
 - (4) The scheme submitted by the Divisional Canal Officer may be approved by the Superintending Canal Officer either as it was submitted to him by the Divisional Canal Officer or in such modified form as he may consider fit.
- 30-C. The Divisional Canal Officer may, either of his own motion or on the application of a shareholder, publish the particulars of the scheme and call upon the share-holders to implement it at their own cost within the period to be specified and in the manner prescribed.
- 30-D. (1) The Divisional Canal Officer may, either of his own motion or on the application of a share-holder, publish in the manner prescribed a notice of his intention to acquire any land required for implementation of the scheme.
- (2) Any person interested in the land notified under sub-section (1) may, within fifteen days from the publication thereof apply to the Divisional Canal Officer by petition stating his objections to the proposed acquisition of his rights.
 - (3) After considering the objections the Divisional Canal Officer may proceed to take the occupation of the land so required on behalf of the share-holders.

(4) Compensation, to be fixed by the Divisional Canal Officer on the principles set out under section 23 of the Land Acquisition Act, 1894, shall be payable by the share-holders in proportion to the culturable commanded area under the scheme held by each one of them to the owner or occupier of any land for such acquisition and on failure of payment, the amount shall be recoverable as arrears of land revenue.

(5) A person aggrieved from the order of the Divisional Canal Officer in respect of compensation may prefer an appeal within thirty days of the passing of the order to the Collector whose decision shall be final.

30-E. On failure of any share-holder to execute the work within the period specified in the notice under section 30C the Divisional Canal Officer may proceed to carry out the work himself and the cost in proportion to the culturable commanded area under the scheme held by them shall be recoverable from the share-holders as arrears of land revenue.

30-F. On execution of the scheme, the Divisional Canal Officer shall by requisition in writing, direct the share-holders to take over and maintain the water course and on failure of the share-holders to comply with this direction, he shall make arrangements for maintenance of the water course at the share-holders cost in proportion to the culturable commanded area under the scheme held by them and the same shall be recoverable as arrears of land revenue.

30G. Notwithstanding anything contained in this Act or any other law for the time being in force, no civil court shall have jurisdiction to entertain or decide any question relating to matters falling under section 30-A to 30-F."

4. Amendment of section 57 of Act VIII of 1873.—In part VIII of the principal Act, pertaining to "Drainage" the following section shall be added after section 57, namely:—

"57-A. The provisions contained in sections 30-A to 30G shall apply to Field Drains as well."

THE NORTHERN INDIA CANAL AND DRAINAGE (PUNJAB AMENDMENT) ACT, 1960

PUNJAB ACT No. 22 OF 1960

ARRANGEMENT OF SECTIONS

Sections :

1. Short title and Commencement.
2. Amendment of Section 35 of Central Act VIII of 1873.

[Received the assent of the Governor of Punjab on May 20, 1960 and was first published in Punjab Gazette (Extra), Legislative Supplement, Part I, dated May 20, 1960/Jyaistha 6, 1882 Saka]

An Act to amend the Northern India Canal and Drainage Act, 1873 in its application to the State of Punjab.

BE it enacted by the Legislature of the State of Punjab in the Eleventh Year of the Republic of India as follows :

1. Short title and commencement.—(1) This Act may be called the Northern India Canal and Drainage (Punjab Amendment) Act, 1960.

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

NOTES

Object.—“Complaints are usually made by the irrigators that the Divisional Canal Officers while deciding questions under sections 33 to 35 of the Northern India Canal and Drainage Act, 1873 tend to treat the canal breach cases also as canal cuts and levy special charges. To minimise the chances of arbitrary decisions in this behalf, it is sought to amend the Act to provide for the appointment of an advisory committee for every Division of a Canal, consisting of five non-official members whose advice in the matter shall be binding on the Divisional Canal Officer.” [Vide Statement of Objects and Reasons, published in the Punjab Gazette (Extra), dated March, 25, 1990/Chaitra 5, 1882 Saka].

2. Amendment of section 35 of Central Act VIII of 1873.—In section 35 of the Northern India Canal and Drainage Act, 1873, in its application to the State of Punjab,—

(1) to the second paragraph the following proviso shall be added namely :—

“Provided that before according his decision on such question under section 33 or section 34 as may be specified in the rules to be made by the State Government, the Divisional Canal Officer shall obtain the advice of an advisory Committee to be constituted by the State Government for every division of a canal in such manner as the State Government may determine by rules made under this Act.”; and

(2) after the second paragraph as amended by clause (1), the following paragraphs shall be added, namely :—

“Every Advisory Committee shall consist of not more than five non-official members, including the Chairman, who shall be appointed by the State Government on such terms and conditions as may be determined by such rules.

The advice of the Advisory Committee shall be binding on the Divisional Canal Officer;

Provided that where the Divisional Canal Officer is unable to accept such advice he shall, with his opinion expressed thereon, refer the question to the Commissioner who shall,—

- (a) if he accepts the advice, pass an order accordingly ; and
- (b) if he does not accept the advice, refer the question to the State Government, with his opinion expressed thereon, whose decision on such reference shall be final.”

THE NORTHERN INDIA CANAL AND DRAINAGE (PUNJAB AMENDMENT) ACT, 1961

(ACT NO. 6 OF 1961)

ARRANGEMENT OF SECTIONS

Sections:

1. Short title.
2. Amendment of section 3 of Central Act VIII of 1873.

[Received the assent of the President of India on February 11, 1961, and was first published in the Punjab Gazette (Extra.), Legislative Supplement, Part I, dated February 21, 1961/Phalguna 2, 1882, Saka].

Amended, repealed or otherwise affected by:
A.O.1968, published in R.H.P., dated 1-2-1969, P. 158-61.

An Act to amend the Northern India Canal and Drainage Act, 1873, in its application to the State of Punjab.

BE it enacted by the Legislature of the State of Punjab in the Twelfth Year of the Republic of India as follows :—

1. Short title.—This Act may be called the Northern India Canal and Drainage (Punjab Amendment) Act, 1961.

2. Amendment of section 1 of Central Act VIII of 1873.—For clause (11) of section 3 of the Northern India Canal and Drainage Act, 1873, in its application to the territories specified in sub-section (1) of section 5 of the Punjab Re-organisation Act, 1966], the following shall be substituted, namely:—

“(11) “Culturable commanded area” means that portion of the culturable irrigable area which is commanded by flow or lift irrigation from an irrigation channel, outlet or State Tube-well.”

THE NORTHERN INDIA CANAL AND DRAINAGE (PUNJAB AMENDMENT) ACT, 1963

(ACT No. 21 OF 1963)²

ARRANGEMENT OF SECTIONS

Sections :

1. Short title.
2. Amendment of section 3 of Act 8 of 1873.
3. Amendment of sections 30-A, 30-B, 30-C, 30-D, 30-E and 30-F of Act 8 of 1873.
4. Substitution of section 68 of Act 8 of 1873.

[Received the assent of the Governor of Punjab on April, 11, 1963, and was published in the Punjab Gazette (Extra.) Legislature Supplement, Part-I, dated April, 25, 1963/Vaisakha 5, 1885, Sakaj].

Amended repealed or otherwise affected by :—
A.O. 1968 published in R.H.P., dt. 20-1-1973, p. 91-112.

An Act to amend the Northern India Canal and Drainage Act, 1873, in its application to the State of Punjab.

BE it enacted by the Legislature of the State of Punjab in the Fourteenth Year of the Republic of India as follows :—

1. Short title.—This Act may be called the Northern India Canal and Drainage (Punjab Amendment) Act, 1963.

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1. Subs. for “State of Punjab” by A.O. 1963.
 2. For Statement of Objects and Reasons see Punjab Gazette (Extra.) dated March 6, 1963.

2. **Amendment of section 3 of Act 8 of 1873.**—In clause (7) of section 3 of the Northern India Canal and Drainage Act, 1873, in its application to the [territories specified in sub-section (1) of section 5 of the Punjab Reorganisation Act, 1956] (hereinfter referred to as the 'principal Act,' after the definition of "Sub-Divisional Canal Officer" the following definition shall be added, namely:—

"Deputy Controller" means an officer appointed as such by the State Government who assists the Divisional Canal Officer in revenue matters arising in a Division of a canal."

3. **Amendment of sections 30-A, 30-B, 30-C, 30-D, 30-E and 30-F of Act 8 of 1873.**—In sections 30-A, 30-B, 30-C, 30-D, 30-E and 30-F of the principal Act, for the words "Superintending Canal Officer" wherever occurring, the words "Divisional Canal Officer", and for the words "Divisional Canal Officer" wherever occurring, the words "Sub-Divisional Canal Officer" shall be substituted.

4. **Substitution of section 68 of Act 8 of 1873.**—For section 68 of the principal Act, the following section shall be substituted, namely:—

"68. Power of Deputy Collector to order use or distribution of water and settlement of differences as to mutual rights and liabilities of persons interested in water course.—

- (1) The Deputy Collector may, if in his opinion it is necessary so to do, pass an order as to the use or distribution of water from a water course amongst persons in any estate or a group of estates or in any holding or group of holdings in such estate or estates:

Provided that no such order shall be passed by the Deputy Collector without making an inquiry into the matter and without giving a notice to all the persons interested that on a day to be named in such notice, he shall proceed to inquire into the said matter.

- (2) Whenever a difference arises between two or more persons in regard to their mutual rights or liabilities in respect of use, construction or maintenance of a water course, any such person may apply in writing to the Deputy Collector stating the matter in dispute.
- (3) On receipt of application under section (2) the Deputy Collector shall give notice to the other persons interested, that on a day to be named in such notice he shall proceed to enquire into the said matter, and after the inquiry he shall pass an order thereon.
- (4) An order passed under sub-section (1) or sub-section (3) as to the use of distribution of water for any crop sown or growing at the time when such order is made or with regard to the construction or maintenance of a water course shall, subject to an order passed on appeal or revision under sub-sections (5) and (6) be final.
- (5) An appeal shall lie to the Divisional Canal Officer against an order referred to in sub-section (4) within a period of thirty days from the date of such order.

1. Subs. for "State of Punjab" by A.O. 1973.

- (6) The Chief Engineer, within whose jurisdiction the water course is situated, may, *suo moto* or on an application made in this behalf by an aggrieved person, revise an order passed in appeal by a Divisional Canal Officer under sub-section (5) :

Provided that no such application shall lie unless it is made within a period of thirty days from the date of such order.

- (7) No order passed under this section shall be liable to be called in question in any civil court."

THE NORTHERN INDIA CANAL AND DRAINAGE (PUNJAB AMENDMENT) ACT, 1964

(ACT No. 6 OF 1964)

ARRANGEMENT OF SECTIONS

Section:

1. Short title.
2. Amendment of section 16 of Central Act 8 of 1873.
3. Substitution of section 63 of Central Act 8 of 1873.
4. Amendment of section 65 of Central Act 8 of 1873.

[Received the assent of the Governor of Punjab on the 11th April, 1964 and was first published in the Punjab Gazette (Extra.) Legislative Supplement, Part-I, dated April, 14, 1964].

An Act to amend the Northern India Canal and Drainage Act, 1873, in its application to the State of Punjab.

BE it enacted by the Legislature of the State of Punjab in the Fifteenth Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Northern India Canal and Drainage (Punjab Amendment) Act, 1964.

2. Amendment of section 16 of Central Act 8 of 1873.—In section 16 of the Northern India Canal and Drainage Act, 1873, in its application to the State of Punjab (hereinfter referred to as the principal Act),—

(i) in the third paragraph for the words "Superintending Canal Officer" the words "Divisional Canal Officer" shall be substituted; and

(ii) after the fourth paragraph, the following new paragraph shall be added, namely:—

"The Superintending Canal Officer may, *suo-moto* or on an application made within a period of thirty days from the date of the order by an aggrieved person in this behalf, revise an order passed by the Divisional Canal Officer under this section:

Provided that no order affecting any person adversely shall be made without affording to such person an opportunity of being heard."

3. **Substitution of section 63 of Central Act 8 of 1973.**—For section 63 of the principal Act, the following shall be substituted, namely:—

“63. *Adult male labourer to be supplied.*—For the purposes referred to in this Part, only a male person who is not less than eighteen and not more than forty-five years of age, shall be supplied.”

4. **Amendment of section 65 of Central Act 8 of 1873.**—In the opening paragraph of section 65 of the principal Act, for the words “such injury, the said officer” the words “such injury, and that the services of the required labourers shall not lay too heavy a burden upon the population having regard to the labour available and its capacity to undertake the work, the said Officer” shall be substituted.

THE NORTHERN INDIA CANAL AND DRAINAGE (PUNJAB AMENDMENT) ACT, 1965

(ACT No. 23 OF 1965)

ARRANGEMENT OF SECTIONS

Sections:

1. Short title.
2. Omission of sections 16, 21, 22 and 30 of Central Act 8 of 1873.
3. Amendment of section 24 of Central Act 8 of 1873.
4. Amendment of section 25 of Central Act 8 of 1873.
5. Amendment of section 26 of Central Act 8 of 1873.
6. Amendment of section 27 of Central Act 8 of 1873.
7. Amendment of section 28 of Central Act 8 of 1873.
8. Substitution of section 29 of Central Act 8 of 1873.
9. Amendment of section 30-A of Central Act 8 of 1873.
10. Substitution of section 30-B of Central Act 8 of 1873.
11. Substitution of section 30-C of Central Act 8 of 1873.
12. Amendment of section 30-D, 30-E and 30-F of Central Act 8 of 1873.
13. Insertion of new section 30-FF in Central Act 8 of 1873.
14. Amendment of section 30-G of Central Act 8 of 1873.
15. Substitution of section 35 of Central Act 8 of 1873.
16. Amendment of section 68 of Central Act 8 of 1873.
17. Amendment of section 70 of Central Act 8 of 1873.

[Received the assent of the Governor of Punjab on 2nd November, 1965 and was first published in the Punjab Gazette (Extra., Legislative Supplement, Part-I, dated November 3, 1965].

An Act to amend the Northern India Canal and Drainage Act, 1873 in its application to the State of Punjab.

BE it enacted by the Legislature of the State of Punjab in the Sixteenth Year of the Republic of India as follows:—

1. **Short title.**—This Act may be called the Northern India Canal and Drainage (Punjab Amendment) Act, 1965.

2. Omission of sections 16, 21, 22 and 30 of Central Act 3 of 1873.—Sections 16, 21, 22 and 30 of the Northern India Canal and Drainage Act, 1873 (hereinafter referred to as the principal Act) shall be omitted.

3. Amendment of section 24 of Central Act 8 of 1873.—In section 24 of the principal Act,—

- (1) in the marginal heading, the words “construction or” shall be omitted; and
- (2) for the first paragraph, the following shall be substituted, namely:—

“Within twenty one days from the publication of a notice under section 23, any person interested in the water-course to which the notice refers may apply to the Collector by petition stating his objections to the transfer for which application has been made.”

4. Amendment of section 25 of Central Act 8 of 1873.—In section 25 of the principal Act, for the words “land marked out or of the water course to be transferred, as the case may be,” the words “water course to be transferred, as the case may be,” the words “water course to be transferred” shall be substituted.

5. Amendment of section 26 of Central Act 8 of 1873.—In section 26 of the principal Act, the following words shall be omitted, namely:—

“and, if such officer sees fit, he may, in the case of an application under section 21, alter the boundaries of the land so marked out, and may give fresh notice under section 22; and the procedure hereinbefore provided shall be applicable to such notices and the Collector shall thereupon proceed as before provided”.

6. Amendment of section 27 of Central Act 8 of 1873.—In the second paragraph of section 27 of the principal Act, for the words “land so marked out of the water-course to be transferred, as the case may be” the words “water-course to be transferred” shall be substituted.

7. Amendment of section 28 of Central Act 8 of 1873.—In section 28 of the principal Act,—

(1) In the first paragraph,—

- (i) the words “land or” occurring twice, shall be omitted; and
- (ii) for the words “water-course so occupied or transferred, and for any damage caused by the making out or occupation of such land, together with all expenses incidental to such occupation or transfer,” the words “water-course so transferred together with all expenses incidental to such transfer” shall be substituted; and

(2) In the second paragraph, for the words “land or water-course occupied or transferred,” the words “water-course transferred” shall be substituted.

8. Substitution of section 29 of Central Act 8 of 1873.—For section 29 of the principal Act, the following shall be substituted, namely:—

“29. Conditions binding on applicant placed in occupation of water-course.—When any such applicant is placed in occupation of water-course as aforesaid, the following rules and conditions shall be binding on him and his representative in interest:—

First—All works necessary for the passage across such water-course, existing previous to its construction and of the drainage intercepted by it, and for affording proper communications across it for the convenience of the neighbouring lands, shall be constructed by the applicant, and be maintained by him or his representative in interest to the satisfaction of the Divisional Canal Officer.

Second—Land occupied for the water-course shall be used only for the purpose of such water-course.

In case in which a water-course is transferred on the terms of a rent charge.

Third—The applicant or his representative in interest shall, so long as he occupies such water-course, pay rent for the same at such rate and on such days as are determined by the Collector when the applicant is placed in occupation.

Fourth—The Collector may, on the application of the person entitled to receive such rent or compensation, determine the amount of rent due or assess the amount of such compensation; and, if any such rent or compensation be not paid by the applicant or his representative in interest, the Collector may recover the amount, with interest thereon at the rate of six per centum per annum from the date on which it became due, as if it were an arrear of land revenue and shall pay the same, when recovered, to the person to whom it is due. If any of the rules and conditions prescribed by this section are not complied with; or

if any water-course transferred under this Act, is disused for three years continuously,

the right of the applicant, or of his representative in interest, to occupy such water-course shall cease absolutely”.

9. Amendment of section 30-A of Central Act 8 of 1873.—In subsection (1) of section 30-A,—

(a) for the words “Sub-Divisional Canal Officer”, the words “Divisional Canal Officer” shall be substituted; and

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

“(cc) the occupation of land for the deposit of soil from water-course clearances;”

10. Substitution of section 30-B of Central Act 8 of 1873.— For section 30-B of the principal Act, the following shall be substituted, namely:—

- “30-B. (1) Every scheme shall, as soon as may be after its preparation, be published in such form and manner as may be prescribed by rules made in this behalf inviting objections and suggestions with respect thereof within twenty one days of the publication.
- (2) After considering such objections and suggestions, if any, the Divisional Canal Officer shall approve the scheme either as it was originally prepared or in such modified form as he may consider fit.
- (3) The Superintending Canal Officer may, *suo moto* at any time or on an application by any person aggrieved by the approved scheme made within a period of thirty days from the date of publication of the particulars of the scheme under section 30-C, revise the scheme approved by the Divisional Canal Officer :

Provided that such revision shall not be made without affording the person affected an opportunity of being heard.”

11. Substitution of section 30-C of Central Act 8 of 1873.—For section 30-C of the principal Act, the following shall be substituted, namely:—

- “30-C. The Divisional Canal Officer shall, as soon as may be, publish the particulars of the scheme approved by him under sub-section (2) of section 30-B in the prescribed manner and call upon the shareholders to implement it at their own cost within the period to be specified by him”.

12. Amendment of sections 30-D, 30-E and 30-F of Central Act 8 of 1873.—In sections 30-D, 30-E and 30-F of the principal Act, for the words “Sub-Divisional Canal Officer”, wherever occurring, the words “Divisional Canal Officer” shall be substituted.

13. Insertion of new section 30-FF in Central Act 8 of 1873.—After section 30-F of the principal Act, the following section shall be inserted, namely:—

- “30-FF. (1) If a person demolishes, alters, enlarges or obstructs a water-course or causes any damage thereto, any person affected thereby may apply to the Divisional Canal Officer for directing the restoration of the water-course to its original condition.
- (2) On receiving an application under sub-section (1), the Divisional Canal Officer may, after making such enquiry as he may deem fit, require by a notice in writing served on the person found to be responsible for so demolishing, altering, enlarging, obstructing or causing damage to restore, at his own cost, the water-course to its original condition within such period as may be specified in the notice.
- (3) If such person fails, to the satisfaction of the Divisional Canal Officer, to restore the water-course to its original condition within

the period specified in the notice served on him under sub-section (2), the Divisional Canal Officer may cause the water-course to be restored to its original condition and recover the cost incurred in respect of such restoration from the defaulting person.

- (4) Any person aggrieved by the order of the Divisional Canal Officer may prefer an appeal, within thirty days of the passing of such order, to the Superintending Canal Officer, whose decision on such appeal shall be final.
- (5) Any sum which remains unpaid within a period to be specified for this purpose by the Divisional Canal Officer may be recovered by the Collector from the defaulting person as if it were an arrear of land revenue."

14. Amendment of section 30-G of Central Act 8 of 1873.—In section 30-G of the principal Act, for the figure and letter "30-F", the figure and letters "30-FF" shall be substituted.

15. Substitution of section 35 of Central Act 8 of 1873.—For section 35 of the principal Act, the following section shall be substituted, namely:—

- "35. *Charges recoverable in addition to penalties.*—(1) All charges for the unauthorised use or waste of water may be recovered in addition to any penalties incurred on account of such use or waste.
- (2) All questions, including questions pending for disposal on the commencement of the Northern India Canal and Drainage (Punjab Amendment) Act, 1965, under section 33 or section 34 shall be decided by the Collector.
 - (3) An appeal shall lie to the Commissioner against the decision of the Collector under sub-section (2) within a period of thirty days from the date of such decision.
 - (4) The Financial Commissioner, may, *suo moto* at any time or on an application made in this behalf by an aggrieved person within a period of thirty days from the date of the order, revise an order passed in appeal under sub-section (3)."

16. Amendment of section 78 of Central Act 8 of 1873.—In sub-section (6) of section 68 of the principal Act, for the words "Chief Engineer", the words "Superintending Canal Officer," shall be substituted.

17. Amendment of section 70 of Central Act 8 of 1873.—In the last paragraph of section 70 of the principal Act, for the words "fifty rupees" the words "one hundred rupees" shall be substituted.

THE HIMACHAL PRADESH VILLAGE AND SMALL TOWNS PATROL
ACT, 1964

Arrangement of Sections

Sections:

1. Short title, extent and commencement.
2. Definitions.
3. Order for performance of patrol duty.
4. Functions of Gram Panchayat.
5. Substitutes.
6. Exemptions.
7. Deputy Commissioner's powers of general control.
8. Delegation.
9. Fine on defaulting persons.
10. Decision of majority to prevail.
11. Fine on defaulting village.
12. Appeal.
13. Powers and privileges of patrols.
14. Repeal.
15. Savings.