

Legislative (1899) Department.

ORDINARY MS.

G.O., No. 104

DATED 3-10-99

3/3

INDEXED



[Despatch Abstract.]

Recording prop. Rev. dep't Considering that
Act VII of 1865 (An act to enable the Govt.
to levy a separate cess for the use of water
supplied for irrigation purposes in certain
Cases) should be amended; & requesting
the Bd of Rev. to favour Govt with its remarks
on the draft Bill drawn up for the
purpose, & stating that the Govt of India will
T address on the subject.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
		7c No 405 988					

Ly CURRENT NO. 344

Government {1899} of Madras. REVENUE.

Order 104 dated 3/10/99
his Recorded

26.9.99.
Recd. *230/9/99*
Regd. *25-9* } 1899.
Ref 4-35
Enclosures *2*
Spare copies *2*

G.O., No. 587, 1st September 1899.

SEPTEMBER.

Act VII of 1865.

Considering that — (an Act to enable the Government to levy a separate cess for the use of water supplied for irrigation purposes in certain cases) should be amended; and requesting the Board of Revenue to favour Government with its remarks on the draft Bill drawn up for the purpose, and stating that the Government of India will be addressed on the subject.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—again G.O., No. 2625, Revenue, dated 22nd May 1897.

ABSTRACT.—Stating that the question of the early extension of the Kistna irrigation channels to the low-lying tracts in which irrigation by involuntary flow has occurred in the past will be considered in the Public Works Department and that the amendment of Act VII of 1865 will be dealt with separately.

READ—also G.O., No. 436, Revenue, dated 7th July 1899.

ABSTRACT.—Passing orders on the scheme submitted by the Deputy Commissioner and the Board of Revenue for the re-settlement of the Gódvári district.

READ—also G.O., No. 494, Revenue, dated 27th July 1899.

ABSTRACT.—Passing orders on the scheme for the re-settlement of the Masulipatam portion of the Kistna district.

ORDER—No. 587, Revenue, dated 1st September 1899.

Irrigation No. 15.

The Government considers that Act VII of 1865 should be amended to provide for the realisation of the Government dues in cases where Government water benefits a cultivator's crop though he cannot be said to "use" it under the interpretation of the term in XII. Indian Law Reports, Madras, 407-411, XIX. Indian Law Reports, Madras, 24-29, and in the judgment in S.A. 973-977 of 1895; and also to permit the levy under the Act of charges made for a second irrigated crop on land assessed as single crop wet and to bar the jurisdiction of the Civil Courts. A draft Bill drawn up for these purposes is appended to this order. The Board is requested to favour Government with its remarks thereon at a very early date.

2. To avoid complications and facilitate the early passing of the Bill, the further amendment of the Act for the purposes enumerated in paragraph 8 of Board's Proceedings, No. 143, dated 5th May 1897, may lie over for the present.

3. The following letter will be addressed to the Government of India:—

[Here enter Letter, No. 588, Revenue, dated 1st September 1899.]

(True Extract.)

H. J. Henricus
for Acting Secretary to Government.

To the Board of Revenue (Revenue Settlement, etc.), with draft Bill.
Copy to the Legislative Department.

Exd. J. Henricus.

40 Copies.

Draft Bill to amend Madras Act VII of 1865.

WHEREAS it is necessary to amend Madras Act VII of 1865; It is hereby enacted as follows:—

1. (1) Section 1 of Madras Act VII of 1865 is hereby repealed and the following section is substituted therefor and shall be deemed to have been so substituted at the time when the said Act came into force:—

"Whenever water is supplied or used for purposes of irrigation from any river, stream, channel, tank or work belonging to, or constructed by, Government, and also whenever water, by direct or indirect flow, or by percolation or drainage, from any such river, stream, channel, tank or work, from or through adjoining lands, or otherwise, irrigates any land under cultivation and such irrigation is, in the opinion of the Collector, beneficial to and sufficient for the requirements of the crop on such land, it shall be lawful for the Government to levy at pleasure on the irrigated land a separate cess for such water: and the Government may prescribe the rules under which, and the rates at which such water-cess as aforesaid shall be levied, and alter or amend the same from time to time."

(2) Provided that no water-cess which would not have been leviable if this Act had not passed shall be leviable for any period prior to the 1st of July 1898.

(3) Provided also that, where a zamindar, or inamdar, by virtue of engagements with the Government, is entitled to irrigation free of separate charge, no cess under this Act shall be imposed for water supplied to the extent of this right and no more.

2. Section 4 of Madras Act VII of 1865 is hereby repealed, and the following section is substituted therefor:—

Income Tax Act II of 1886, section 39.

Madras Act II of 1864, section 58.

Madras Act III of 1896, section 16.

"No suit shall lie in any Civil Court to set aside or modify any assessment of water-cess made by a Collector under this Act."

When given for copying _____
 When copied _____
 When examined _____
 When signed _____

189 .

READ AGAIN G.O., No. _____, DATED
 189 ,

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILLED UP, BEING MEANT FOR DESPATCH
 IN ORIGINAL.

N.B.—

- A = Copy in full.
- B = Not to be copied.
- P = Copy abstract only.
- Q = Copy heading only.