

1753
The Hon. the Secy.

Govt. of (1881) Madras.
LEGISLATIVE.

To
THE BOARD OF REVENUE,
&c., &c., &c.

Dated July, 1st.

Issued 9th July

Recd.

Book 2 75. sec of 8.0

G.O., 1st July 1881, No. 56.

JULY.

Madras Rivers Conservancy Bill.—The Draft
Bill approved, and its publication in the Fort St.
George Gazette, ordered.

B No 1765 Wap 18th July 1881
Recorded.

Entd. in Receipt
Regd. CCA 16.7.81

STATEMENT OF OBJECTS AND REASONS.

Much damage is often done to property, both public and private, by the unauthorized action of private individuals in planting and forming constructions in river-beds which tend to alter the course of the current of the river, and much public money has been spent in carrying out works to counteract the effect of such action, while it is not uncommon for the officers of Government who have, in the exercise of their duty, carried out work which seemed to be necessary for the regulation of a river, to be called upon to defend their action in a Court of Law, the supposed rights of some riverain proprietor having been interfered with.

2. The action of riverain proprietors, which it is sought to restrain, consists chiefly in planting grass or wild cane to induce a deposit of silt and form an accretion, or an island, in constructing works to turn the current of the river from their own holding towards that of other persons, or in undertaking cultivation whereby the flow of water is impeded.

3. The beds of rivers not having been hitherto defined, it is necessary first to prepare a survey of the river and to lay down thereon the limits which define the river-bed, and within which no planting or other work should be allowed except that which is necessary to regulate the course of the river and prevent erosion of the banks, and which must be carried out professionally.

4. The river-bed thus defined must then be carefully watched and protected from all private interference.

5. This Bill provides for the necessary surveys being made and the preparation of maps and registers on which the river-bed can be defined and laid down, and for the appointment of Conservators of Rivers who will be empowered to prevent all interference with the course of the river, to prohibit cultivation, constructions, and plantations within the river-bed without permission, and to direct or cause the removal of all objectionable constructions and plantations, due compensation being awarded to private parties who can show a good title to the land or works which may suffer damage in consequence of such action.

6. The Conservator of Rivers is also empowered to do any acts necessary to prevent danger to life and property, and provision is made that he shall be deemed to be the officer in charge of the river within the meaning of Act I of 1858.

7. It is provided that disputed claims to compensation shall be heard and determined by a Collector or by a competent Civil Court under provisions of Act X of 1870.

OOTACAMUND,
1st July 1881.

R. DAVIDSON.

Government of Fort St. George.
LEGISLATIVE DEPARTMENT.

ANNEXURE

TO

A Bill to provide for the Conservancy of Rivers
in the Madras Presidency.

(Statement of Objects and Reasons.)

No 2/1881.
A

BILL

TO

*Provide for the Conservancy of Rivers in the
Madras Presidency.*

WHEREAS it is expedient to make provi-
sion for the conser-
vancy of rivers in
the Presidency of Madras; It is hereby
enacted as follows:—

1. This Act may be cited as "The
Madras Rivers Conservancy Act, 1881."

2. The Governor in Council may from
time to time declare,
Notification as to the con-
servancy of rivers as
provided by this Act. by notification in
the *Fort St. George*
Gazette and any District Gazette, that the
conservancy of any specified river requires
to be provided for in manner prescribed
by this Act.

3. The Governor in Council may at
the same time direct
that a survey be
made of such river
for the purpose of determining the limits
within which this Act is to be applied,
and for such purpose may direct that
proper charts, maps and registers shall be
prepared, setting forth the channel and all
boundaries and land-marks and all other
matters necessary for the purpose of ascer-
taining such limits.

4. The charts and maps so prepared
shall be submitted
for the approval of
the Governor in
Council, and if they are approved, the
Governor in Council may, by notification
as aforesaid, declare that the provisions of
this Act shall apply to the said river
within the boundaries and limits prescribed
in the said charts.

The land within the limits so defined
and approved by the
Governor in Council
shall be deemed to be the river-bed, and
the limits shall, when necessary, be defin-
ed upon the ground by suitable boundary
stones or other marks to be set up.

5. Copies of such charts shall be deposited in the office of the Collector of the District in which the said river is situated, and shall be open to the inspection of the public at all reasonable times.

6. The Governor in Council may from time to time, by like notification, alter, extend, or restrict the limits of any such river-bed, and the altered limits shall be marked in the charts and defined as above prescribed.

7. All persons authorized to make a survey under section three, shall have the like powers to enter upon land and to do all acts necessary for the survey as are given in section four of Act X of 1870 ("The Land Acquisition Act, 1870"), subject to the proviso contained in that section and to the provision in section five of the said Act.

8. For the purpose of carrying out this Act in respect of any river, the Governor in Council may appoint as many officers as may be deemed necessary, to be styled "Conservators of Rivers" and may from time to time define, by order to be notified in the District Gazette, the limits of their several jurisdictions.

Such officers shall be liable to removal by order of the Governor in Council.

9. It shall be the duty of the Surveyor appointed to make a survey of any river to note upon the map or charts thereof all cultivation existing or ordinarily carried on at the time of the survey within the surveyed limits of the said river, and all groynes, plantations, constructions or obstructions or works of every kind which may affect the course of the stream of the said river, and to prepare a register, to be styled the Survey Register, containing the above particulars. The Surveyor shall also mark upon the chart the ordinary channel as it exists at the date of the survey so far as it can be ascertained.

10. When the Survey Register affecting any portion of a river is completed, it shall be handed over with the charts to the Conservator of Rivers within whose

jurisdiction the said portion is situated, and shall form part of the records of his office.

The Conservator shall thereupon make and furnish to the Collector of the District certified copies of the Survey Register and charts.

11. After such survey shall have been completed and approved and the notifications as provided by this Act made by the Governor in Council, no new cultivation of any kind shall be attempted or carried on by any person within the limits of such river-bed unless the permission of the Conservator of Rivers in writing shall have been previously obtained.

Whoever carries on or attempts to carry on any new cultivation in contravention of this section, shall, on conviction before a Magistrate, be liable to a fine not exceeding Rs. 500, or, in default of payment, to simple or rigorous imprisonment, not exceeding three months for every such offence.

12. The Conservator of Rivers may at any time, by an order in writing, require any owner or occupier of land usually cultivated or newly cultivated with permission within such river-bed to abstain from cultivating such land; and it shall be the duty of such owner or occupier to act in obedience to such order.

Whoever fails to obey any order passed by the Conservator of Rivers under this section, shall, on conviction before a Magistrate, be liable to a fine not exceeding Rs. 500, or in default of payment, to simple or rigorous imprisonment not exceeding three months for every such offence.

13. Upon the survey being completed and the notification made as provided by this Act, no new groynes, buildings or constructions of any kind, or plantations, grasses or trees shall be made, formed or extended or grown within such river-bed unless the permission of the Conservator of Rivers in writing shall have been previously obtained.

Whoever does any act prohibited by this section without having previously obtained the permission in writing of the Conservator of Rivers shall be liable on conviction before a Magistrate to a fine not exceeding Rs. 1,000, or in default of payment, to simple or rigorous imprisonment for a period not exceeding six months for every such offence.

14. The writings prescribed in sections eleven and thirteen shall define and describe the kind and extent of the cultivation and the nature of the works or things authorized to be made or done, and it shall be the duty of the Conservator from time to time to record or cause to be recorded the particulars contained in such writings in the Survey Register, and in the certified copies thereof in the possession of the Collector.

15. The Conservator of Rivers may, by an order in writing, require the owner or occupier of any land within any such river-bed to remove any groynes, buildings, constructions, plantations, grasses, trees or other thing which the said Conservator may deem to be an obstruction to the course of the stream of such river by an order in writing signed by such Conservator; and it shall be the duty of such owner or occupier to act in obedience to such order.

Whoever fails to comply with any order issued by the Conservator of Rivers under this section, shall be liable on conviction before a Magistrate to a fine not exceeding Rupees 1,000, or in default of payment to simple or rigorous imprisonment for a period not exceeding six months for every such offence.

16. Whenever under sections twelve and fifteen of this Act the Conservator of Rivers directs the owner or occupier of any land to abstain from cultivating any land or to remove any groynes, buildings, constructions, plantations, grasses, trees or other obstructions or works existing at the time of the survey or subsequently authorized by the Conservator of Rivers, such owner or occupier shall be entitled to compensation for any loss sustained by him by reason of such direction, if such owner or occupier can show a good title in him to such land or works.

17. The Conservator of Rivers may do any acts in connection with any river to which this Act has been applied 5 which may appear to him to be necessary to prevent erosion or breach of embankments, encroachments by the stream, or danger to life or property, and for such purpose he may alter the course of any 10 such stream.

Provided that compensation shall be made to any person showing a good title as aforesaid who 15 shall sustain any loss by reason of any act authorized by this section.

18. All or any of the powers conferred upon the Conservator of Rivers by the preceding section may be exercised by such of his subordinates as may be nominated by him, provided such nomination be notified in the District Gazette. 5

19. Any person who obstructs the Conservator of Rivers in doing any act authorized by this Act shall be deemed to have committed 5 the offence described in Section 186 of the Indian Penal Code.

20. All disputed claims to compensation for acts done or losses incurred under this Act shall be heard and determined by a Collector 5 or by a competent Civil Court under the provisions of Act X of 1870, "The Land Acquisition Act, 1870."

21. Conservators of Rivers under this Act shall be deemed and taken to be officers in charge of rivers within the 5 meaning of Act I of 1858 (*An Act to make lawful compulsory labour for the prevention of mischief by inundation, &c.*).

22. Whenever the Conservator of Rivers in accordance with the provisions of this Act requires the owner or occupier 5 of any land to do any act or to remove any obstruction, and such owner or occupier fails to do what he was required to do within a reasonable time, such Conservator may cause such act to be done or obstruction to be removed and charge the expense of such act or removal to such owner or occupier. 10

15 The expense incurred by the Conserva-
 Recovery of expenses of tor of Rivers shall be
 such removal. certified by him to
 the Collector of the
 District, who shall recover the same from
 such owner or occupier in the manner
 20 provided by law for the recovery of arrears
 of land revenue.

23. The Governor in Council may from
 Power to make bye-laws. time to time make
 and when made alter,
 add to, and repeal bye-laws not inconsis-
 5 ent with this Act for the prevention of
 any injury to works constructed upon any
 river to which this Act may be applied,
 and for the prevention of acts or omissions
 likely to affect injuriously the conservancy
 10 of such river; provided that no penalty
 for any one infringement of any bye-law
 shall exceed Rupees 50.

All bye-laws made under this section
 shall be published in the *Fort St. George*
 15 *Gazette*, and shall thereupon have the force
 of law.

24. All Conservators of Rivers, Survey-
 ors, and subordinates
 Conservators, &c., to be duly authorized
 public servants. under section eight-
 5 een of this Act shall be deemed to be
 public servants within the meaning of the
 Indian Penal Code.

25. All fines imposed by this Act may
 be recovered in the
 Fines to be recovered under manner provided in
 the Code of Criminal the Code of Criminal
 Procedure. Procedure.
 5

26. No suit shall be brought against
 any Conservator, Surveyor, or subordinate,
 or any person acting under his direction,
 for anything done
 5 Period of limitation for or intended to be
 suits against Conser- done under this Act
 vators, &c.
 until after the expiration of one month
 next after notice in writing shall have
 been delivered or left at the office of such
 10 Conservator, Surveyor, subordinate or
 person, or at his place of abode, explicitly
 stating the cause of action and the name
 and place of abode of the intended plaintiff
 and of his agent in the cause, and upon
 15 the trial of any such suit the plaintiff shall
 not be permitted to go into evidence of

No evidence of cause of any cause of action
 action except what except such as is
 stated in notice. stated in the notice
 20 so delivered, and, unless such notice be
 proved, the Court shall find for the defend-
 ant: and every such suit shall be commenced
 within three months next after the accrual
 of the cause of action.

If any person to whom any such notice 25
 of suit is given shall, before suit brought,
 tender sufficient amends to the plaintiff,
 such plaintiff shall not be entitled to
 recover in any such suit when brought.

It shall be lawful for the defendant, 30
 before issue joined, by leave of the Court
 in which any such suit is pending, to pay
 into Court such sum of money as he shall
 think fit, and thereupon such proceedings
 shall be had as in other cases where defend- 35
 ants are allowed to pay money into
 Court.

Government of Fort St. George.
LEGISLATIVE DEPARTMENT.

A

BILL

TO

Provide for the Conservancy of Rivers in the
Madras Presidency.

(THE HON'BLE R. DAVIDSON, C.S.I.)

Introduced _____ 1881.

GOVERNMENT OF MADRAS.
LEGISLATIVE DEPARTMENT.

1st July 1881, No. 56.

Madras Rivers Conservancy Bill.

Read the following papers:—

Proceedings of the Board of Revenue, dated 24th February 1879, No. 494, forwarding, with remarks, the Draft Bill to provide for the Conservancy of Rivers.
Revised Draft Bill to provide for the Conservancy of Rivers in the Madras Presidency.

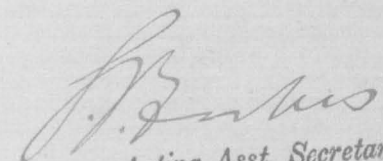
ORDER THEREON, 1st July 1881, No. 56.

The Governor in Council approves the Draft Bill for the Conservancy of Rivers in the Madras Presidency as revised in the Legislative Department together with the Statement of Objects and Reasons.

2. The Honorable the Governor directs its publication in the *Fort St. George Gazette* under Rule 25 of the Rules for the Conduct of Business in the Local Council for making Laws and Regulations.

3. The Hon. Mr. Davidson will be requested to take charge of the Bill.

(True Extract.)


Acting Asst. Secretary.

To the Board of Revenue,
" Public Works Department, } with copy of Draft Bill and Statement of Objects and
" Hon. R. Davidson, C.S.I., } Reasons.

Exd. T. O'Connor.

Circle.

Govt. of (1881) Madras.
LEGISLATIVE.

To
THE BOARD OF REVENUE,
&c., &c., &c.

Dated July, 1st.

Issued 9th July

Recd.

Encl. 2 75. scd 8.0

G.O., 1st July 1881, No. 56.

JULY.

Madras Rivers Conservancy Bill.—The Draft
Bill approved, and its publication in the Port St.
George Gazette, ordered.

B No 1765 Wap 18th July 1881
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Superintending Engineer
1st Circ