
**ANDHRA PRADESH (ANDHRA AREA) IRRIGATION WORKS
(REPAIRS IMPROVEMENT AND CONSTRUCTION) ACT, 1943**

18 of 1943

[5th October, 1943]

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**ANDHRA PRADESH (ANDHRA AREA) IRRIGATION WORKS
(REPAIRS IMPROVEMENT AND CONSTRUCTION) ACT, 1943**

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An Act to provide for the repair or improvement of private irrigation works, the construction of new irrigation works on private lands and the supply of water from Government to private irrigation works, in the Andhra Area of the State of Andhra Pradesh. Whereas it is expedient to empower the State Government to repair or improve private irrigation works, to construct new irrigation works on private lands, to supply water from Government irrigation works, and to recover the cost of doing so in the cases aforesaid; It is hereby enacted as follows:

1. Short title and extent :-

(1) This Act may be called the Andhra Pradesh (Andhra Area) Irrigation Works (Repairs, Improvement and Construction) Act,

1943.

(2) It extends to the whole of the Andhra area of the State of Andhra Pradesh.

2. Power to repair, improve and construct irrigation works and to supply water from Government irrigation works :-

If in the opinion of the State Government, it is necessary or expedient so to do they may

(a) execute any or cause to be executed, repairs to any irrigation work in private ownership which is not working at maximum efficiency;

(b) improve or cause to be improved, any irrigation work in private ownership;

(c) construct or cause to be constructed, a new irrigation work on land situated in an estate as defined in the Andhra Pradesh (Andhra Area) Estates Land Act, 1908;

(cc) acquire in accordance with the provisions of the Land Acquisition Act, 1894 (Central Act I of 1894), any land in an estate as defined in the Andhra Pradesh (Andhra Area) Estates Land Act, 1908 (Act I of 1908), necessary for the purpose of constructing a new irrigation work, if the work is intended to serve lands situated in two or more estates as so defined or partly lands situated in such estate or estates and partly lands in ryotwari tracts, and construct or cause to be constructed the irrigation work on the land which has been acquired.

(d) provide for the supply of water from any Government irrigation work to any irrigation work in private ownership.

3. Recovery of the cost and of fees :-

(1) The State Government shall

(a) meet in the first instance the cost of the measure referred to in clauses (a), (b) or (c) of Section 2;

(b) determine the amount of such cost after the execution of the said measures.

(1A) In the cases referred to in clauses (a) and (b) of Section 2, the State Government shall be entitled to recover in a lumpsum the amount determined under clause (b) of sub section (1) from the

land holder or other person who by any law or custom is bound to keep the irrigation work in repair.

(1B) In the case referred to in clause (c) of Section 2, the State Government shall be entitled to recover in a lumpsum from the landholder on whose land the new irrigation work has been constructed

(i) if the irrigation work is intended to serve exclusively lands situated in the estate, the cost of the measure as determined under clause (b) of sub section (1):

(ii) if the irrigation work is intended to serve partly lands situated in such estate and partly lands in ryotwari tracts, such portion of the cost of the measure as determined under clause (b) of sub section (1) as the extent of the lands in the estate served by the irrigation work bears to the total extent of the lands served by the work:

Provided that the amount recoverable under this sub section shall not exceed the value capitalized at four per cent of the average net additional annual income estimated by the State Government as likely to be derived by the landholder as a result of the construction of the irrigation work.

(1C)

(a) On the expiry of five fasli years after the completion of the irrigation work, the State Government shall determine the value capitalized at four per cent of the actual amount of the average net additional annual income derived by the landholder as a result of the construction of the irrigation work during the said fasli years,

(b) If the value determined under clause (a) exceeds the amount recovered from the landholder under sub section (I B) the difference shall be recovered from him and if such value is less than the amount recovered from him, the difference shall be refunded to him.

(1D) The irrigation work referred to in clause (ii) of sub section (I-B) shall be maintained by the landholder and the cost of maintenance shall be shared between the landholder and the State Government in the proportion in which the cost of the work has been shared.

(2) In the cases referred to in clauses (b) and (c) of Section 2,

where the person liable under sub section (I A) or sub section (I-B) to pay the cost of the measures is the landholder of an estate as defined in the Andhra Pradesh (Andhra Area) Estate Land Act, 1908, (Act 1 of 1908) he shall be entitled to apply under clause (ii) of Section 30 of the said Act for an enhancement of the rent payable by the ryots benefitted by such measures.

Explanation:- It shall not be open to any ryot to refuse a supply or an improved supply of water which may result from the measures aforesaid.

(2A) In the case referred to in clause (c) of Section 2, the State Government shall be entitled to

(a) fix the area to be irrigated from such work in the estate and in ryotwari tracts, if any; and

(b) charge fees for the water supplied from the irrigation work to the lands situated in ryotwari tracts, if any, at such rates as they deem fit and recover the fees from such persons, at such times and on such terms and conditions as may be specified in accordance with the rules made under this Act.

(3) In the cases referred to in clauses (cc) and (d) of Section 2, the State Government shall be entitled to charge fees for the water supplied by them at such rates as they deem fit, and the fees so charged shall be recovered from such persons, at such times and on such terms and conditions as may be specified in accordance with rules made under this Act.

4. Cost and fees payable on issue of written notice of demand :-

(1) Any cost or fee recoverable by the State Government under Section 3 shall become payable to them, on the person concerned being served with a written notice of demand issued by such Government and in accordance with the terms thereof.

(2) Such cost or fee shall carry interest, from the date on which it becomes payable, at such rate as may be notified by the State Government in that behalf.

5. Cost and fees recoverable as an arrear of land revenue :-

Any cost or fee which has become payable under Section 4

(a) may be recovered as if it were an arrear of land revenue from

the person by whom it is payable; and

(b) shall be a charge on the interest of such person in lands served by the irrigation work concerned.

6. Powers of entry and inspection :-

The District Collector or any officer appointed by him in this behalf may, for the purposes of this Act, at all reasonable times, enter upon and inspect any land including the irrigation work, if any situated therein.

7. Delegation of the powers of the State Government :-

(1) The State Government may, by notification in the Andhra Pradesh Gazette, delegate all or any of their powers under this Act except those conferred upon them by this Section and Section 11, to any person or authority subordinate to the State Government and may in like manner withdraw any powers so delegated.

(2) The exercise of any powers delegated under sub section (1) shall be subject to such restrictions, limitations, and conditions, and to control and revision by such authority or authorities as may be specified in the notification.

8. Jurisdiction of Courts ousted in certain cases :-

Any action taken or thing done under Section 2, 3 or 4 shall, subject to the provisions of sub section (2) of Section 7, be final, and shall not, save as otherwise provided in any rules made under this Act, be liable to be called in question in any Court of law; nor shall any Court of law issue an injunction in regard to any action or thing proposed to be taken or done under Section 2, 3 or 4.

9. Bar of certain proceedings :-

(1) No suit, prosecution or other proceeding shall lie against any officer or servant of the State Government for any act done or purporting to be done under this Act, without the previous sanction of the State Government.

(2) No officer or servant of the State Government shall be liable in respect of any such act in any civil or criminal proceeding, if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act.

10. Limitation for certain proceedings :-

No suit shall be instituted against the Government and no suit,

prosecution or other proceeding shall be instituted against any officer or servant of the State Government in respect of any act done or purporting to be done under this Act, unless the suit, prosecution or other proceeding is instituted within six months from the date of the act complained of.

11. Power to make rules :-

(1) The State Government may make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide

(a) for any matter required or allowed by this Act to be regulated by rules:

(b) for the procedure to be adopted under this Act;

(c) for determining and adjusting the rights and liabilities of the landholders and ryots, where the irrigation work concerned serves two or more estates as defined in the Andhra Pradesh (Andhra Area) Estates Land Act, 1908 (Act I of 1908).

(d) any other matter for which there is no provision or no sufficient provision in this Act and for which provision is, in the opinion of the State Government necessary for giving effect to the purposes of this Act.

(3) All rules made under this section shall be published in the Andhra Pradesh Gazette and upon such publication shall have effect as if enacted in this Act.

12. Act to override other enactments :-

The provisions of this Act and of any rules, orders, proceedings, action or other thing made, taken or done thereunder shall have effect, notwithstanding anything inconsistent therewith contained in any other enactment or law for the time being in force.