
**ANDHRA PRADESH (ANDHRA AREA) RIVERS CONSERVANCY
ACT, 1884**

6 of 1884

[28th August, 1884]

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An Act to provide for the Conservancy of Rivers in the Andhra area of the State of Andhra Pradesh. WHEREAS it is expedient to make provision for the conservancy of rivers in the Andhra area of the State of Andhra Pradesh; It is hereby enacted as follows

1. Short title :-

This Act may be cited as the Andhra Pradesh (Andhra Area) Rivers Conservancy Act, 1884.

2. Notification as to the conservancy of rivers as provided by this Act :-

The State Government may from time to time declare, by notification in the Official Gazette and in the Gazette of every district in which any part of the river is situated, that the conservancy of any specified river requires to be provided for in manner prescribed by this Act.

3. Power to direct survey of rivers :-

The State Government 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 that proper charts and registers be prepared setting forth the channel and all boundaries and landmarks and all other matters necessary for the purpose of ascertaining such limits.

4. Powers of surveying officers to enter upon and survey lands :-

All person authorized to make a survey under Section 3 shall have the like powers to enter upon land and to do all acts necessary for the survey as are given in Sections 4 and 5 of the Land Acquisition Act, 1870, and subject to the provisions therein contained.

5. Duties of surveyor Survey register :-

It shall be the duty of the surveyor appointed to make a survey of any river to note upon the charts thereof all cultivation existing or

ordinarily carried on, and all groynes, buildings, plantations, constructions or obstructions within the surveyed limits 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 charts the ordinary channel as it exists at the date of the survey so far as it can be ascertained.

6. Power to appoint Conservators of Rivers, and indicate their jurisdictions :-

For the purpose of carrying out this Act in respect of any river, the State Government 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 Gazettes of the districts in which any part of such river is situated, the limits of their several jurisdictions.

7. When notification declaring Act applicable to rivers may be published :-

The charts prepared as is provided in Section 3, shall, when completed, be exhibited for public information at the kachahris of all districts in which any part of the river so surveyed is situated, for a period of not less than ninety days. Any person or persons who may desire to raise objections to the boundaries or land marks set forth in such charts shall be at liberty, during such period, to forward a statement in writing setting forth his or their objections to the Collector of the district in which the boundaries objected to are situated. At the expiry of such period, the Collector shall forward the said charts, with such statement of objections (if any) and his remarks thereon, to the State Government who shall then take the same into consideration, and may order such alteration in the said charts, or pass such other order thereon as to them may seem fit, previous to final approval of the said charts. On such final approval, the State Government may, by notification in the Official Gazette and in the Gazette of every district in which any part of the river is situated, declare that the provisions of this Act shall apply to the said river within the boundaries and limits prescribed in the said charts. River bed defined :- The land within the limits so defined and approved by the State Government shall be deemed to be the river bed and the limits shall, when necessary, be defined by boundary stones or other suitable marks to be set up.

8. Custody of survey register :-

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 furnish to the Collectors of the districts in which any part of such river is situated certified copies of the survey register and charts.

9. Charts of rivers where to be deposited for public inspection :-

Copies of all charts and registers prepared as provided in Section 5, as finally approved, shall be deposited in the office of the Collector of the district in which any part of the river so defined is situated, and shall be open to the inspection of the public at all reasonable times.

10. Power to alter limits of rivers :-

The State Government may from time to time, by notification in the Official Gazette and in the Gazette of every district in which any part of the river is situated, alter, extend or restrict the limits of any such river bed, and the altered limits shall be marked in the charts and defined in manner prescribed in Section 7:

Provided that no such alteration shall be made until full particulars thereof shall have been publicly exhibited and any objections made thereto disposed of by the State Government as provided for in the said section.

11. Prohibition of new cultivation on land in bed of notified rivers of Penalty :-

After such surveys have been completed and approved and the notification as provided by this Act made by the State Government, land within the limits of a river bed as defined in Section 7 which has not been cultivated for two years previous to the date on which this Act is applied to the river, shall not, without the previous permission of the Conservator of Rivers in writing, be cultivated, and it shall not be lawful without such permission to cultivate within the limits of a river bed any new formation of land. Whoever commences or carries on, or attempts to carry on, any cultivation in contravention of this section and of a notice from the Conservator to desist shall be punishable with fine which may extend to five hundred rupees and in default of payment of fine to simple imprisonment not exceeding three months.

Explanation:- Cultivation shall for the purposes of this Act, include

the growing of plants which require the ground to be ploughed once a year or at shorter intervals and which are ordinarily removed at the end of the season but shall exclude plantation as explained in Section 13.

12. Power to prohibit cultivation Penalty :-

The Conservator of Rivers may, with the previous sanction of the Collector of the district, by an order in writing require any owner or occupier of land usually cultivated, or cultivated with permission under Section 11, within such river bed, to abstain from cultivating such land should it appear that such cultivation will tend to obstruct or divert the course of the river; 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 made by the Conservator of Rivers under this section shall, on conviction before a Magistrate, be liable to a fine not exceeding rupees five hundred, or, in default of payment, to simple imprisonment for exceeding three months for every such offence.

13. Constructions, plantations, etc. within river bed without permission prohibited Penalty :-

(1) Upon a survey being completed and the notification made as provided by this Act, any person intending to make or remove or extend any groyne, building or construction of any kind, or plantation, grasses or trees, within such river bed including any new formation of land therein shall, one month before beginning so to make, remove, or extend, make an application in writing to the Conservator of Rivers for licence to make or remove or extend such groyne, building, construction, plantation, grasses or trees.

Explanation:- Plantation shall for the purposes of this Act, include the growing of plants, shrubs or trees which do not ordinarily require the ground to be ploughed or cultivated every year and which are generally propagated by the planting of cuttings, sets, seedlings or shoots such as nanal, alchi, tilla, betel, sugarcane, plantain, bamboo and the like.

(2) The Conservator of Rivers shall, within one month after receiving such application, pass such orders in writing thereon as he may deem fit.

(3) If the Conservator of Rivers does not pass orders in writing within one month after receiving such application, the applicant may proceed to make, remove or extend such groyne, building,

construction, plantation, grasses or trees in compliance with the terms of such application.

(4) An appeal from any order passed by the Conservator of Rivers under Clause (2) of this section shall lie to the Collector of the district if the same be preferred within sixty days from the date of the receipt of such order.

(5) The appeal shall be in writing and shall set forth concisely the grounds of objection to the decision of the Conservator of Rivers, and shall be heard and disposed of by the Collector of the district.

(6) Whoever does any act in contravention of this section shall be liable on conviction before a Magistrate to a fine not exceeding rupees one thousand or, in default of payment, to simple imprisonment for a period not exceeding six months for every such offence.

14. Power to direct removal of constructions, plantations, etc. Penalty :-

The Conservator of Rivers may, with the previous sanction of the Collector of the district, 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 upon such land which the said Conservator may deem to be an obstruction to the course of the stream of such river; and it shall be the duty of such owner or occupier to act in compliance with such order within a time to be mentioned in such order;

Provided that, in the case of the removal of any building being so ordered, it shall be open to the owner or other person in charge thereof to appeal, through the Collector of the district, against such order to the Board of Revenue within sixty days from the date of the receipt of such order; and in such case the order shall remain in abeyance until such appeal shall have been decided by the Board of Revenue. Notice of every appeal under this section, together with a copy of the petition of appeal, shall be sent by the appellant to the Conservator of Rivers at the time the appeal is sent to the Collector. 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 one thousand, or, in default of payment, to simple imprisonment for a period not exceeding six months for every such offence.

15. Particulars to be set forth in permits, and copies to be furnished to Collector :-

The writings prescribed in Sections 11 and 13, Clause (2), shall define and describe the kind and extent of the cultivation and the nature of the works or things authorised to be made or done, and it shall be the duty of the Conservator of Rivers 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. The Conservator of Rivers shall also furnish the Collector of the district with copies of all orders made by him under Sections 12 and 14.

16. Compensation to owner or occupier of land within river bed for constructions removed :-

Whenever, under Sections 11 , 12, 13 or 14, the Conservator of rivers refuses the owner or occupier of any land permission to plant, cultivate or build on any land, or requires him to remove any groynes, buildings, constructions, plantations, grasses, trees or other obstructions or works existing at the time of the survey, or subsequently authorised by the Conservator of Rivers, such owner or occupier shall be entitled to compensation for any damages sustained by him by reason of such requirement or refusal of permission.

17. Power to Conservators to do acts necessary to prevent danger to life or property Recovery of expenses of such removal :-

The Conservator of Rivers may do or may cause to be done in connexion with the conservancy of any river to which this Act has been applied, any act which appears to him to be necessary to prevent erosion, breach of embankments or the flooding over them, encroachments by the stream or danger to life or property and for such purpose he may notwithstanding that his acts may involve interference with private rights of property, enter upon any public or private land whether within or outside the river bed and may dig and use earth from such land, construct works, or plant and grow reeds, grass shrubs, thereon or cut and remove therefrom such reeds, grass or shrubs or alter the course of any stream:

Provided that compensation shall be made to any person who shall sustain any damage by reason of any act authorized by this section. The Conservator shall furnish the Collector of the district with a report of every act done by him under this section.

18. Delegation of powers conferred on Conservator of Rivers to his subordinates :-

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 Gazettes of the district in which any part of the river is situated.

19. Penalty for obstructing Conservators :-

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

20. Conservators to be deemed officers in charge of rivers under Central Act I of 1858 :-

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

21. Power to Conservator to cause removal of obstruction, etc. in case of default Compensation for damage sustained by such acts :-

Whenever the Conservator of Rivers, in accordance with the provisions of the Act, requires the owner or occupier of any land to do any act or to remove any obstruction, and such owner or occupier fails to do what he is required to do within a reasonable specified 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. The expense so incurred by the Conservator of Rivers shall be certified by him to the Collector of the District, who shall recover the same from such owner or occupier in the manner provided by law for the recovery of arrears of land revenue.

22. Power to make rules :-

The State Government may from time to time make, and when made, alter, add to and repeal, rules not inconsistent with this Act for the prevention, of any injury to works constructed upon all rivers or upon any river to which this Act may be applied, and for the prevention of acts or omissions likely to affect injuriously the conservancy of such rivers or river.

Provided that no penalty for any one infringement of any such rules

shall exceed rupees fifty. All rules made under this section shall be published in three successive issues of the Official Gazette and of the Gazettes of every district in the State in which any part of the river is situated to which such rules relate, and shall not come into operation until one month after such publication.

23. Conservators, etc. to be public servants :-

All Conservators of Rivers, Surveyors, and subordinates duly authorized under Section 18 of this Act shall be deemed to be public servants within the meaning of the Indian Penal Code.

24. Fines to be recovered under the Code of Criminal Procedure :-

All fines imposed by this Act may be recovered in the manner provided in the Code of Criminal Procedure.

25. Period of limitation for suits against Conservators, etc. No evidence of cause of action except of that stated in notice Tender of amends Payment into Court :-

No suit shall be brought against any Conservator, surveyor or subordinate, or any person acting under his direction, for anything done or intended to be done under this Act until after the expiration of three months next after notice in writing shall have been delivered or left at the office of such 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, if any, and upon the trial of such suit the plaintiff shall not be permitted to go into evidence of any cause of action except such as is stated in the notice so delivered, and unless such notice be proved, the Court shall find for the defendant; and every such suit shall be commenced within six months next after the accrual of the cause of action. If any person to whom any such notice of suit is given shall, before suit brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover more than the amount so tendered, and shall pay all costs incurred by the defendant after such tender. It shall be lawful for the defendant, before issue joined, by leave of the Court in which any 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 defendants are allowed to pay money into Court.

26. Easements Act not affected :-

Nothing contained in this Act shall be deemed to affect the

provisions of the Indian Easements Act (Act 5 of 1882).