

Assam Irrigation (Amendment) Act, 1990

02 of 1991

[29 March 1991]

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PREAMBLE

An

Act

to amend the Assam Irrigation Act, 1983

Whereas it is expedient to amend the Assam Irrigation Act, 1983, (Assam Act. VIII of 1989), hereinafter called the principal Act, in the manner hereinafter appearing;

It is hereby enacted in the Forty-first Year of the Republic of India as follows:-

1. Short title and commencement :-

(1) This Act may be called the Assam Irrigation (Amendment) Act, 1990.

(2) It shall be deemed to have come into force on the 19th day of May, 1989.

2. Amendment of Section 2 of Assam Act VIII of 1989 :-

In the principal Act, in Section 2,-

(1) In sub-section (2), for the words "Betterment Contribution Officer", the words "Betterment Levy Officer" shall be substituted;

(2) In sub-section (7) (i), after the words "Escape Channel", the words "from irrigation work" shall be inserted;

(3) In sub-section (9), at the end of the existing provisions, the following shall be inserted, namely:-

"the Government initially constructing field channels upto 5 to 8 hectares blocks at the project cost as prescribed.";

(4) In sub-section (10), for the existing provision, the following shall be substituted, namely:-

(10) Field drain means the channel for the discharge of excess water from the field. This includes escape channels from the irrigation works and other similar works constructed and maintained by the owner or occupier or the State Government of Assam at the cost of the owner;"

(5) In sub-section (14), in clause (iii), after the words "and water-course," the words "tanks and dams", shall be inserted.

3. Amendment of Section 17 of Assam Act VIII of 1989 :-

In the principal Act, in section 17, in sub-section (1), for the words "reconstructions, additions", appearing after the word "constructions", the words "expansions, improvements" shall be substituted.

4. Amendment of Section 34 of Assam Act VIII of 1989 :-

In the principal Act, in section 34, in clause (d), the words "the requirement of" shall be inserted in between the words "in rotation" and "other persons", in place of word "to".

5. Amendment of Section 35 of Assam Act VIII of 1989 :-

In the principal Act, in section 35, the terms beginning with the word "it" and ending with the word "effect", occurring after the words "such kind of crop" shall be substituted by the following, namely:-

"Government having regard to soil characteristics, climate, rainfall and water availability may, by notification, make a declaration to that effect."

6. Amendment of Section 57 of Assam Act VIII of 1989 :-

In the principal Act, in section 57, in sub-section (2), the words "Divisional Irrigation Officer" shall be substituted by the words "Collector or a functionary as delegated by the district administration".

7. Amendment of Section 38 of Assam Act VIII of 1989 :-

In the principal Act, in section 58,--

(1) for the words "Divisional Irrigation Officer" wherever occurs, the following shall be substituted, namely:-

"Collector or a functionary as delegated by the district administration";

(2) in sub-section (2), the colon (:), after the words "Land Acquisition Act, 1894", shall be deleted and thereafter the following shall be inserted, namely:-

"as amended from time to time."

8. Amendment of Section 59 of Assam Act VIII of 1989 :-

In the principal Act, in section 59, the term beginning with the word "become" occurring after the word "shall" shall be substituted by the term "be made as per provision of the Land Acquisition Act, 1894, as amended from time to time."

9. Amendment of Section 64 of Assam Act VIII of 1989 :-

In the principal Act, in section 64, in clause (iii), for the word "wire", the word "weir" shall be substituted

10. Amendment of Section 75 of Assam Act VIII of 1989 :-

In the principal Act, the existing provision in section 75, shall be substituted as follows, namely:-

"75. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Act II of 1974), the offences mentioned in section 69 from (1) to (6) shall be cognizable and the offences mentioned in serial (7) to (12) shall be non-cognizable."

11. Amendment of Section 80 of Assam Act VIII of 1989 :-

In the principal Act, in section 80, in sub-section (1), the existing provision shall be substituted as follows:-

"(1) All Lands required for construction, expansions, improvements,

alterations or realignment of any irrigation work or supply work under this Act shall be acquired and taken possession of under the provisions of the Land Acquisition Act, 1894, as amended from time to time, and the provisions of the said Act shall apply to the determination of the amount of compensations, appointment of the compensations and other matter relating to the acquisition of the said lands, rights and interest."