

Assam Water Hyacinth Act, 1926

03 of 1926

[26 May 1926]

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PREAMBLE

An Act to eradicate and destroy the plant known as Water Hyacinth

Whereas it is expedient to make provision for checking the growth and for the eradication from Assam of the plant known as the Water Hyacinth in the manner hereinafter appearing;

And whereas the previous sanction of the Governor General has been obtained, under section 80A, sub-section (3) of the Government of India Act, to the passing of this Act;

It is hereby enacted as follows:--

* For Statement of Objects and Reasons, see Assam Gazette, 1923, Part V, page 16; for report of the Select Committee, see Assam Gazette, Part V, 1925, pages 13 14; Assam Gazette, Part V, 1926,

pages 39-40.

For proceedings in Council, see Assam Gazette, Part VI, 1923, page 618; Assam Gazette, Part VI 1924, pages 134-135; Assam Gazette, Part VI, 1925, pages 731, 1058, 1267-1268, 1321-1330, 1357-1359; Assam Gazette, Part VI 1926, pages 513-626.

1. Short title and extent :-

(1) This Act may be called the Assam Water Hyacinth Act, 1926.

(2) It extends to the whole of Assam.

2. Definitions :-

In this Act--

(1) the expression "Water Hyacinth" means the plant botanically known as Eichornia Crassipes and includes every part of the plant;

(2) the expression "local body" means Municipal Boards, town committees constituted under section 329 of the Assam Municipal Act, 1923 (Assam Act I of 1923), Local Boards and Village Authorities, and shall include any other public body constituted under any law to which this definition may be made applicable by the [Provincial Government]¹ by a notification in the [official gazette]²; and

(3) the word "village" means the area notified as such under the Assam Local Self-Government Act, 1915 (Assam Act I of 1915).

1. Substituted by the A.O. for "L.G."

2. Substituted by the A.O. for "Assam Gazette",

3. Prohibition of growth, cultivation, or propagation of Water Hyacinth :-

No person shall grow, cultivate or propagate Water-Hyacinth.

Explanation.--person intentionally floating or in any way removing any Water Hyacinth from land or water in his possession to the land or water of another without his consent, or removing it to a public sheet of water, river, or channel not exempted by the [Provincial Government]¹, or using it as packing material, shall be deemed to propagate it.

1. Substituted by the A.O. for "L.G."

4. Action preventing growth, cultivation or propagation of Water Hyacinth :-

(1) When at any time any local body is satisfied that the growth, cultivation, propagation or presence of Water Hyacinth has caused, or is likely to cause, damage to crops, or has obstructed or is likely to obstruct any waterway, or has affected or is likely to affect public health, or has caused or is likely to cause any injury to the inhabitants of any area within its control, it may require action to be taken to prevent the growth, cultivation, or propagation of the plant, or to cause its destruction.

(2) For the aforesaid purpose such local body may--

(a) take measures to check the spread of the plant by the construction of storage pounds and floating fences or by any other means; and

(b) cause to be served such notice as may be prescribed by rule made under this Act upon the occupier, or, if there be no occupier, the owner of any land requiring such occupier or owner to render help either by labour personal or hired, or, at his option, with material or money, towards the construction of storage pounds or floating fences, and to destroy all Water Hyacinth growing upon such land in accordance with the terms of such notice:

Provided that no woman and no child under twelve years of age and no student attending any educational institution shall be required to render personal service.

(3) No village authority shall take action under this section without the previous sanction of the Local Board of the subdivision within which the village is situated.

5. Effect of failure to comply with notice :-

If any occupier or owner of land or any person interested as described in section 6 on whom a notice under this Act has been duly served, fails to comply therewith, such local body may authorise any officer subordinate to it to enter upon such land and take all the measures necessary for any or all of the purposes mentioned in section 4(1) and the officer so authorised shall thereupon enter upon the land without being liable for trespass or any injury to crops, or rights or claims of any other description, in performance of the duty so entrusted to him, and the cost of taking such measures, shall be borne by the said owner or occupier and shall be recoverable as a demand under the Bengal Public Demands Recovery Act, 1913 (Bengal Act III of 1913).

6. Scheme for the recovery of the cost of operations for

checking growth or propagation of the plant :-

(1) Whenever it appears to any local body that extensive operations are necessary for any of the purposes mentioned in section 4(1) in respect of any land under its administration from which the owner or occupier or both derive no substantial benefit, that the cost of such operations will be greatly in excess of the benefit received by him or them, and that others derive substantial advantages from the use or enjoyment of such land, it may prepare a scheme for carrying out such operations which may provide for the levy of contributions in the shape of men, money or personal labour from the persons interested. Such scheme shall be laid before a committee, which shall include representatives of the persons interested to be selected by the [Provincial Government]¹ in consultation with the local bodies concerned.

(2) If the committee unanimously approve of the scheme, the local body may at once take action to carry it into effect. If there is any difference of opinion the question at issue shall be submitted to the [Provincial Government]¹ whose decision shall be final.

(3) Where the scheme has been accepted by the committee, or upon receipt of the orders of [the Provincial Government]¹ where it has not been accepted, notices in the form prescribed by rules made under this Act shall be served on all persons affected, thereby requiring them to carry out the provisions of the scheme, so far as it concerns them, either as approved by the committee or as modified by the orders of [the Provincial Government]¹.

1. Substituted by the A.O. for "L.G.".

7. Limitation of liability under the Act :-

Nothing in this Act shall render an owner or occupier and, in the case of joint owners or occupiers, the whole body of owners or occupiers, including [the Crown]¹, liable to incur, in respect of the aggregate of lands owned or occupied by him or them in any one subdivision any cost exceeding one thousand rupees in the aggregate in any one year for anything done under this Act or render him or them liable to offer personal service for any period exceeding ten days in the aggregate in any one year.

1. The words with the previous sanction of the Governor General in Council" omitted by the A.O.

8. Penalties :-

Any person who--

- (1) grows, cultivates, or by any means propagates,
 - (2) fails to take action in accordance with the terms of the notice referred to in section 4(2) or section 6; or
 - (3) removes any materials of the storage pounds and fences constructed by any local body or causes any injury thereto,
- shall be guilty of an offence and shall be liable on conviction thereof to a fine not exceeding fifty rupees or upon a second or subsequent conviction to a fine not exceeding one hundred rupees.

9. Offence for disobeying any regulation or order made under the Act :-

Any person disobeying any regulation or order made under this Act shall be deemed to have committed an offence punishable under section 188 of the Indian Penal Code (XLV of 1860).

10. Power to make rules :-

- (1) The [Provincial Government]¹ may make rules for the purpose of carrying out the provisions of this Act.
- (2) In particular and without prejudice to the generality of the foregoing sections the [Provincial Government]¹ may make rules--
 - (a) regulating the preparation of schemes made under section 6 of this Act and the procedure to be followed in realising from private persons the cost of any operations under this Act; and
 - (b) prescribing the form and the terms of notices under section 5 and section 6.

1. Substituted by the A.O. for "L, G."

11. Section 11 :-

The [Provincial Government]¹ may * * ¹ by notification apply all or any of the provisions of this Act to any weed or plant and thereupon such provisions shall apply mutatis mutandis to such weed or plant.

1. Substituted by the A.O. for "L, G."