

ORISSA ACT 17 OF 1981

THE ORISSA IRRIGATION (AMENDMENT) ACT, 1981

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*THE ORISSA IRRIGATION (AMENDMENT) ACT, 1981

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AN ACT TO AMEND THE ORISSA IRRIGATION ACT, 1959

BE it enacted by the Legislature of the State of Orissa in the Thirty-second Year of the Republic of India, as follows :—

Short title

1. This Act may be called the Orissa Irrigation (Amendment) Act, 1981.

Amendment of section 4.

2. In section 4 of the Orissa Irrigation Act, 1959 (hereinafter referred to as the principal Act),—

Orissa Act 14 of 1959.

(a) for clause (10-a), the following clause shall be substituted, namely :—

“(10-a) “Minor Irrigation Work” means an irrigation work having a culturable command area of not more than two thousand hectares;”;

(b) existing clause (14-a) shall be re-numbered as clause (14-b) and before clause (14-b) as so re-numbered, the following new clause shall be inserted namely:—

Rabi crop.

“(14-a) “Rabi crop” means any crop notified as such by the State Government and different crops may be notified in respect of different areas;”.

Amendment of section 21.

3. In section 21 of the principal Act,—

(a) In the proviso to sub-section (1), the following words shall be added at the end, namely :—

“or for irrigation of any rabi crop”;

(b) after sub-section (1), the following new sub-section shall be inserted namely:—

“(1-a) The supply of water for rabi crops shall be made and regulated in such manner and shall be subject to such conditions as may be prescribed.”.

Insertion of new sections 28-A and 28-B.

4. After section 28 of the principal Act, the following new sections shall be inserted, namely:—

Re-assessment of water rate after consolidation of holdings.

“28-A. (1) After closure of consolidation operations carried on in any area under the Orissa Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1972, the officer empowered in that behalf by the State Government shall re-assess the water rate or compulsory basic water rate, as the case may be, in respect of the lands situate in the said area. Orissa Act 21 of 1972.

(2) In re-assessing the rates as aforesaid, the officer shall, as far as may be, follow the procedure prescribed for fixation of the rates under section 28.

Review.

28-B. An order passed under section 28 or section 28-A may, after giving notice to all persons concerned, be reviewed within the prescribed period by the Officer who passed the order or by his successor in office either on his own motion or on an application made by an aggrieved person, on the ground of any clerical mistake or error in the course of proceedings under the said section.”

Substitution of section 29. 5. For section 29 of the principal Act, the following sections shall be substituted, namely:—

Appeal

“29. (1) Any person aggrieved by any order made under section 28, section 28-A or section 28-B may prefer an appeal in the prescribed manner and within the prescribed period to the Subdivisional Officer having jurisdiction.

(2) The Subdivisional Officer having jurisdiction may also on his own motion annul or modify any such order as aforesaid :

Provided that no proceedings under this sub-section shall be initiated after the expiry of the prescribed period and no orders shall be passed thereunder without giving the parties concerned a reasonable opportunity of being heard.

Revision

29-A. Any person aggrieved by an order passed by the Subdivisional Officer under sub-section (1) or sub-section (2) of section 29 may file an application in the prescribed manner and within the prescribed period before the Collector for revision of such order.”.

Amendment of section 37.

6. In section 37 of the principal Act, in sub-section (2),—

(a) for the words “to the Collector of a District” the words “to the Subdivisional Officer” shall be substituted ;

(b) for the existing proviso, the following proviso shall be substituted, namely:—

“Provided that no order shall be made in exercise of the power so delegated without the prior approval of,—

(i) where the amount of water-rate or cess involved in any case exceeds five hundred rupees, but does not exceed one thousand rupees, the Collector of the district having jurisdiction; and

(ii) where such amount exceeds one thousand rupees, the Commissioner having jurisdiction.”.