

THE UNITED PROVINCES STATE TUBE-WELLS ACT, 1936¹

[U. P. Act No. XII of 1936]

Amended by

U. P. Act No. IV of 1954

U. P. Act No. 21 of 1980

Adopted and modified by the Government of India (Adaptation of Indian Laws) Order, 1937

Adapted and modified by the Adaptation of Laws Order, 1950

[Received the assent of the Governor on December 12, 1936, and of the Governor-General on February 20, 1937, and was ²published under section 81 of the Government of India Act, 1919, on March 6, 1937.]

AN

ACT

to provide for the construction, improvement and maintenance of State Tube-well irrigation works

Preamble

WHEREAS it is expedient to provide for the construction, improvement and maintenance by Government of State-Tube-well irrigation works ;

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

It is hereby enacted as follows ;

Short title,
extent and
commencement

1. (1) This Act may be called the United Provinces State Tube-wells Act, 1936.

(2) ³[* * *] It ⁴extends to the whole of ⁵[Uttar Pradesh] ⁶[* * *] ;

(3) ⁷[It shall come into force at once.]

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1. For Statement of Objects and Reasons please see *Gazette Extraordinary*, dated Oct. 17, 1936.
 2. See Gaz. 1937. Pt. VII, pp. 7-8.
 3. *Omit.* by sec. 2 (1) of U. P. Act IV of 1954.
 4. This Act has been extended to the areas mentioned in column 1 of this table under the Act or Order mentioned in column 2 and enforced in such areas under notification, if any, mentioned in column 3 with effect from the date mentioned in column 4 against each such area ;

Areas	Act or order Under which Extended	Notification, if any, under which enforced	Date from which enforced
1	2	3	4
1. Rampur District	Rampur (Applica- tion of Laws) Act, 1950.	285/XVII—345 -49, d. Mar. 8, 1952.	Mar. 15, 1952
2. Banaras District	Banaras (Applica- tion of Laws) Order 1949.
3. Tehri- Garhwal District	Tehri-Gharwal (App- lication of Laws) Order, 1949

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5. *Subs.* by the A. O. 1950 for [the United Provinces].
 6. The words (of Agra and Oudh) omit by *ibid.*
 7. *Subs.* by sec. 2 (2) of U. P. Act IV of 1954.

Definitions

2. In this Act unless there be something repugnant in the subject or context,—

(1) “tube-well” means any tube-well from which water is lifted by means of a pump operated otherwise than by human or animal power ;

(2) “State tube-well” means any tube-well constructed, maintained or controlled by the ¹[State Government] and includes all mechanical and electrical appliances, tools and structures appertaining to it and necessary for the abstraction of water from it ;

(3) “Tube-well Officer” means an officer appointed under section 4 to exercise control or jurisdiction over one or more State Tube-wells ;

“Superintending Engineer” means a Tube-well Officer exercising general control over circle comprising one or more tube-well divisions ;

“Divisional Officer” means Tube-well Officer exercising control over a division comprising one or more tube-well sub-divisions ;

“Sub-Divisional Officer” means a Tube-well Officer exercising control over a group of State tube-wells situated within an area designated a tube-well sub-division.

3. ²[X X X X]

**Appointment
of tube-well
officers**

4. The ¹[State Government] may from time to time appoint officers to exercise or perform within such local limits as it may direct all or any of the powers and duties conferred or imposed on Tube-well Officers by the Northern India Canal and Drainage Act, 1873, in its application to State Tube-wells as hereinafter provided.

**United
Provinces Act
I of 1920 not
to apply to
State
tubewells**

5. The provisions of the United Provinces Minor Irrigation Works, Act, 1920³, shall not apply to State Tube-wells.

**Application of
Act VIII of
1873 to State
tube-well**

6. In respect of any State Tube-well the provisions of the Northern India Canal and Drainage Act, 1873, except the provisions of section 1, clauses (4) and (7) of section 3, section 4, section 5 and Parts VI and VII of the said Act, shall be deemed to apply in like manner as if such State Tube-wells were a canal within the meaning of the said Act :

Provided that in the application of the said Act every reference therein to a “Canal Officer” (except in section 27 of said Act) a “Superintending Canal Officer”, a “Divisional Canal Officer” or a “Sub-Divisional Canal Officer” shall be deemed to be a reference to a “Tube-well Officer” a “Superintending Engineer”, a “Divisional Officer” or a “Sub-Divisional Officer” respectively :

1. Subs. by the A. O. 1950 for (Prov. Govt.).

2. Omit. by sec. 3 of U. P. Act no. IV of 1954.

3. Ins. by sec. 4 of U.P. Act no. IV of 1954.

Provided further that for the purpose of such application the said Act shall be subject to the modification indicated in the Schedule.

Power to construct under ground pipe lines etc.

¹[7. Any Tube-well Officer or other person acting under the general or special order of a Tube-well Officer may, from time to time—

(a) place, dig, examine, repair, alter, maintain or remove a tube-well pipe line (including inter-sump, pipe stand, value chamber and outlet) Tube-well *Kachagul*, *barha* and earthen borrow pits, under, over, along, across, in or upon any immovable property and may, open or break-up the soil and,

(b) for any such purpose enter upon such property at any time.]

Notice to owner or occupier of land

8. (1) No such work, as is referred to in section 7, shall be executed unless not less than forty-eight hours' notice in writing before the commencement of work is given to the owner or occupier of the property and such owner or occupier shall have the right to be present during the execution of the work.

(2) Where any person, in exercise of the powers under this Act, opens or breaks up the soil of any land, he shall with all reasonable speed, fill in the ground and reinstate and make good the soil opened or broken up.

(3) A Tube-well Officer shall cause as little damage as possible to any property for the purpose of executing any work under this Act and shall in the prescribed manner, pay to the owner or occupier of such property compensation for any damage sustained by him.]

Power to make rules

9. The State Government may, by notification in the Gazette, make rules for carrying out the purposes of this Act.]

SCHEDULE

(Referred in section 6)

MODIFICATIONS IN THE NORTHERN INDIA CANAL AND DRAINAGE ACT, 1873 (HEREINAFTER CALLED "THE SAID ACT")

²[1. In section 6 of the said Act for the words "day so named", the words "commencement of the U. P. State Tube-wells Act, 1936" shall be deemed to be substituted and for the words "such application or use of the said water" the words "the application or use of underground water for the purpose of a State Tube-well" shall be deemed to be substituted.]

1. *Ins.* by sec. 2 of U. P. Act no. 21 of 1980.

2. *Subs.* by sec. 4 of U. P. Act IV of 1954.

2. In section 8 of the said Act clauses (a) and (c) and the reference thereto in clause (i) shall be deemed to be omitted, in clause (g) for the words “through any natural channel which has been used for purposes of irrigation”, the words “in any well which has been used” shall be deemed to be substituted and in the last paragraph for the expression, “clauses (a), (b) and (c)” the expression “clause (b)” shall be deemed to be substituted.

3. In section 27 of the said Act for the words “Canal Officer” the words “Divisional Officer” shall be deemed to be substituted.

4. (1) In sub-clause (1) of clause (a) of section 32 of the said Act the words “and with the previous sanction of the ¹[State Government]” shall be deemed to be omitted.

(2) Clause (d) of section 32 of the said Act shall be deemed to be omitted.

5. In section 68, for the words “such officer shall thereupon give notice” the words “on receipt of such application or when in the opinion of Divisional officer such difference is likely to arise he shall give notice” shall be deemed to be substituted.

6. In clause (2) of section 70 the words “except by the construction of tube-well” shall be deemed to be inserted before the words “interferes” and clauses (6) to (9) of the said section shall be deemed to be omitted.

1. *Subs.* by the A. O. 1950 for the words (Prov. Govt.) which had been subs. for [L. G.] by the A. O. 1937.

