

CANALS, AGRA ACT 1845

ACT No. VII. OF 1845

(Rep., by Act 8 of 1873)

[12<sup>th</sup> April, 1845.]

*Passed by the Governor General of India in Council on the 12th of April, 1845.*

AN Act for regulating the levy of Water Rent, Tolls and Dues on certain Canals for irrigation and navigation, constructed by Government in the North Western Provinces, and for the protection of the said Canals from injury.

Whereas numerous Canals have been constructed, and are in progress of construction at the public expense in the North Western Provinces of the Presidency of Fort William in Bengal, for the purpose of irrigation and also for navigation so far as it may be practicable to unite the two objects, and whereas it is requisite to regulate the levy of rents, tolls or dues, on such Canals, and to provide for their protection from injury.

I. It is hereby enacted, that the Lieutenant Governor of the North Western Provinces shall be competent, by proclamation to be made in the Government Gazette, to declare the Provisions of this Act applicable to any such Canal.

II. And it is hereby enacted, that the said Lieutenant Governor of the North Western Provinces shall be competent to draw out rules to regulate the levy of water rent, and the supply of water for irrigation, and the payment of tolls and dues on boats, rafts or floats, and admission to the benefits of navigation on such Canals, as may be found most suitable to the peculiar circumstances of each. The rules thus drawn out shall be published for general information in the Government Gazette.

III. And it is hereby enacted, that any acts done by private individuals in contravention of the rules so published, shall be punishable either by temporary deprivation of the benefits of the Canal, or by the penalties hereinafter described.

IV. And it is hereby enacted, that all balances of water rent due for lands irrigated by the Canal shall be levied, either by temporary deprivation of the benefits of the Canal, or by the same process as is prescribed for the recovery of balances of land revenue.

V. And is hereby enacted, that whoever wilfully causes any obstruction to any of the said Canals, or to any of the water courses drawn and supplied therefrom, or damages the banks of the Canal or the works constructed for its maintenance, or wilfully defiles the water in the Canal, shall be liable to the penalties hereinafter described.

VI. And it is hereby enacted, that all persons offending against the provisions of this Act, or of the rules passed under this Act, shall be pensionable on conviction before the Magistrate by imprisonment without labour for A term not exceeding fourteen days, or fine to an amount not exceeding Fifty Rupees, or both; and in default of payment of such fine, by additional imprisonment for fourteen days.

VII. And it is hereby enacted, that if the Owner of any boat, float, or raft navigating any such Canal, shall refuse to pay the prescribed toll, it shall be lawful for the Officer charged with the levy of tolls on the Canal, to detain such boat, raft, or float, and if the toll be not paid, in the course of ten days, then it shall be lawful for the said Officer under the direction of the Superintendent of the Canal, on the 10<sup>th</sup> day after the seizure, to sell such property, or so much thereof as may be necessary, or to declare the

whole confiscated: provided that in all each cases no confiscation shall be carried into effect till the circumstances have been reported to the Commissioner of the Division and his sanction obtained thereto.

VIII. And it is hereby enacted, that it shall be lawful for the Lieutenant Governor of the North Western Provinces to appoint Officers for the collection of the rent toll and dues, hereinbefore mentioned, and to confer on such Officer the powers of Deputy Collectors for the levy of such rent, and of Joint Magistrates for the enforcement of such penalties as have been hereinbefore specified.

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