

**THE TRAVANCORE-COCHIN IRRIGATION ACT,
1956**

No. VII OF 1956

An Act to provide for the construction, repair and maintenance of irrigation works, the conservation and distribution of water for purposes of irrigation and the levy of betterment contribution and water cess.

PART I

PRELIMINARY

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Travancore-Cochin Irrigation Act, 1956.

(2) It extends to the whole of the State of Travancore-Cochin.

(3) It shall come into force on such date as the Government may, by notification, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(1) "Collector" means the Collector of a district;

(2) "contribution" means the betterment contribution referred to in section 17 ;

(3) "irrigation" with its grammatical variations includes "drainage" with its corresponding variations ;

(4) "Irrigation Officer" means an officer appointed by the Government to perform all or any of the functions of an Irrigation Officer under this Act;

(5) "irrigation work" includes—

(a) all canals, channels, reservoirs and tanks which are intended or which are or may be used for the supply and storage of water for agricultural purposes ;

(b) all works, embankments, structures, supply and escape channels connected with such canals, channels, reservoirs or tanks ;

(c) all water-courses which are supplied with water from such canals, channels, reservoirs or tanks;

(d) all drainage works, that is to say canals, channels, escape channels from a canal, channel, reservoir or tank, dams, weirs, embankments, sluices, groynes or other works for the protection or benefit of agricultural lands, or for the reclamation of *kole* lands, *kayal* lands, *kari* lands, or such other lands ; and

(e) all lands occupied by the Government for the purposes of such canals, channels, reservoirs, tanks and all buildings, machinery, fences, gates and

¹Re-enacted permanently in Madras (Transferred Territory) by Madras Act 18 of 1957.

other erections occupied by or belonging to the Government upon such lands ;

- (6) "landholder" in relation to any land means the person liable to pay to the Government the public revenue due on the land :

XXIV of
1955.

Provided that in respect of any land comprised in the holding of a kanam tenant in the territory to which the Kanam Tenancy Act, 1955, extends, the kanam tenant and not the jenmi shall be deemed to be the landholder in respect of such land;

- (7) "lift irrigation work" means an irrigation work by which water for irrigation purposes is supplied with the aid of pumping sets or other mechanical devices ;
- (8) "major irrigation work" includes lift irrigation work and all irrigation works irrigating or useful for the drainage or protection of an extent of over 200 acres ;
- (9) "majority of proprietors" means the proprietors of more than one-half of the acreage benefited by an irrigation work ;
- (10) "minor irrigation work" includes all irrigation works other than major and petty irrigation works ;
- (11) "notification" means a notification published in the Gazette ;
- (12) "petty irrigation work" includes all irrigation works irrigating or useful for the drainage or protection of an extent of not over five acres ;
- (13) "prescribed" means prescribed by rules made under this Act ;
- (14) "proprietor" means the owner of the land and includes the cultivator or person in actual possession of such land.

3. The Government may, from time to time, by notification, invest any officer or any Board constituted under this Act or any member thereof with all or any of the powers or duties conferred or imposed by or under this Act on the Government and shall declare the local limits within which such powers or duties shall be exercised or performed.

PART II

PETTY AND MINOR IRRIGATION WORKS

4. (1) The construction, repair and maintenance of all petty irrigation works shall devolve upon the panchayat within the local limits of which such petty irrigation works are situated :

Provided that the construction, repair and maintenance of petty irrigation works in local areas where according to

custom such works are carried out, repaired or maintained by the Government wholly at their cost, may be taken up by the Government.

(2) The panchayat may, with the previous sanction of the Government, levy an annual cess on any area benefited by a petty irrigation work constructed, repaired or restored wholly or partly at the cost of the panchayat.

(3) Such cess shall be fixed upon an acreage basis and so as to ensure to the panchayat a return not exceeding three per cent on the capital expenditure incurred by the panchayat after making provision for depreciation and maintenance :

Provided that the cess so fixed shall not exceed Rs. 3-8-0 per acre.

Construction, repair and maintenance of minor irrigation works. 5. (1) Save as otherwise provided, the construction, repair and maintenance of all minor irrigation works shall devolve upon the Government.

(2) The Government may levy an annual cess on any area benefited by a minor irrigation work constructed wholly or partly at the cost of the Government.

(3) The cess under sub-section (2) shall be fixed upon an acreage basis and so as to ensure to the Government a return not exceeding three per cent on the capital expenditure incurred by the Government after making provision for depreciation and maintenance :

Provided that the cess so fixed shall not exceed Rs. 3-8-0 per acre.

(4) If the majority of the proprietors agree to repay the cost incurred by the Government on any minor irrigation work, no cess shall be levied on the lands benefited by such work, but the proprietors shall be liable to maintain the work in such manner and within such time as may be prescribed. The cost incurred by the Government on such work shall be a first charge on the lands benefited and shall be recovered *pro rata* from such lands as arrears of public revenue in such equal annual instalments, not less than five, and on such dates as may be fixed by the Government from time to time together with interest at three per cent per annum :

Provided that the Government may remit in whole or in part the cost incurred by them on any such work and the interest thereon.

(5) The Government may levy an annual cess on any area benefited by a minor irrigation work existing at the commencement of this Act and which is restored or repaired after such commencement wholly or partly at the cost of the Government.

(6) The cess under sub-section (5) shall be fixed upon an acreage basis and so as to ensure to the Government a return

not exceeding three per cent on the total cost incurred by them after making provision for the cost of maintenance of such work :

Provided that the cess so fixed shall not exceed Rs. 3-8-0 per acre.

(7) Nothing in sub-sections (2), (3), (4), (5) and (6) shall apply to minor irrigation works in local areas where according to custom the construction, repair and maintenance of such works are carried out by the Government wholly at their cost.

6. If in any local area the Collector is satisfied on the application of any proprietor interested in a minor irrigation work or otherwise and after making such enquiries as he may deem necessary that the work should be executed in the interest of the majority of proprietors, he may cause a plan and an estimate of the work and a specification of the lands likely to be benefited thereby to be prepared.

Procedure of the Collector on an application for execution of new minor irrigation works.

7. (1) The plan, estimate and specification prepared under section 6 shall be forwarded to the Government and an abstract of the estimate and the specification of the lands likely to be benefited shall be published in the Gazette with a notice calling upon all persons concerned who may have any objection to the work being done to put in their objections before the Collector within a time to be specified in the notice and such notice shall also be served upon the proprietors concerned.

Notice to put in objections.

(2) The Collector shall hear and record the objections, if any, which may be put in and forward the same to the Government with his opinion.

8. If no objections have put in or if the majority of proprietors agree to the work, the estimate may be sanctioned and the work carried out at the cost of the Government. In any case in which the majority of the proprietors do not agree, if it be found, after duly considering their objections, that the work proposed should be executed in the interest of the proprietors, the Government may order the work to be carried out at the cost of the Government.

When Government may carry out the work.

9. (1) If in the case of any accident being apprehended or happening to any petty or minor irrigation work, any work in the nature of an urgent repair is needed, failure to carry out or delay in carrying out which is likely to cause serious damage, the Collector may, notwithstanding anything contained in sections 4 to 8, order the execution of such work at the cost of the Government and forthwith report to the Government, and in the case of petty irrigation works to the panchayat concerned, the action taken by him.

Accident to any petty or minor irrigation work.

(2) The cost of any work carried out under sub-section (1) shall be recoverable—

(a) in the case of a petty irrigation work, from the panchayat concerned ; and

- (b) in the case of a minor irrigation work, the cost of construction of which is recoverable under sub-section (4) of section 5, *pro rata* from the proprietors.

Execution of work for the proper maintenance of petty and minor irrigation works.

10. It shall be the duty of the Irrigation Officer to inspect periodically all petty and minor irrigation works situated within the local limits of his jurisdiction, and to report to the Collector the condition of those works. If the Collector finds that any work is to be executed for the satisfactory maintenance of any petty or minor irrigation work, he may, in the case of a minor irrigation work, execute the work at the cost of the Government and with their sanction, and in the case of a petty irrigation work, require the panchayat concerned to execute the work within such time as may be fixed by him. If the work is not executed within the time fixed, the panchayat shall be deemed to have made default in performing a duty imposed by this Act and the provisions of section 38 of the Travancore-Cochin Panchayats Act, 1950, shall, so far as may be, apply in relation to the execution of any such work. II of 1950.

PART III

MAJOR IRRIGATION WORKS

Construction, repair and maintenance of major irrigation works.

11. The construction, repair and maintenance of all major irrigation works shall devolve on the Government.

Procedure of construction of major irrigation work.

12. If in any local area, the Collector is satisfied on the application of any proprietor or otherwise, that any new major irrigation work should be constructed or repaired, such officer may cause a plan and an estimate of the work and a specification of the lands likely to be benefited thereby to be prepared.

Investigation of objections.

13. The plan, estimate and specification prepared under section 12 shall be forwarded to the Government and an abstract of the estimate and the specification of the lands likely to be benefited shall be published in the Gazette with a notice calling upon all persons concerned who may have any objection to the work being done to put in their objections before the Collector within a time to be specified in the notice. The Collector shall hear and record the objections, if any, which may be put in and forward the same to the Government with his opinion.

When the Government may carry out the work.

14. If it be found after duly considering the objections that the work proposed should be executed in the interests of the proprietors the Government may order the work to be carried out at the cost of the Government.

Power to levy cess.

15. (1) The Government shall be entitled to levy an annual cess on any land benefited by a major irrigation work the construction, expansion or alteration of which the Government have undertaken.

Explanation.—A land shall be deemed to be benefited notwithstanding that the benefit is not enjoyed provided such non-enjoyment is not due to any default on the part of the Government.

(2) In the case of lands benefited by a major irrigation work the construction, expansion or alteration of which the Government have undertaken before the 1st January, 1943, the cess leviable under sub-section (1) shall be fixed upon an acreage basis and so as to ensure to the Government a return not exceeding three per cent on the capital outlay after making provision for depreciation and maintenance.

(3) In the case of lands benefited by a major irrigation work the construction, expansion or alteration of which the Government have undertaken on or after the 1st January, 1943, the cess leviable under sub-section (1) shall be at the following rates :—

- | | |
|--------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| (a) lands already registered as single crop wet lands and on which two or more paddy crops could be raised.. | Rs. 6 per acre. |
| (b) other lands already registered as wet lands .. | Rs. 5 per acre. |
| (c) lands made fit for cultivation and on which only one paddy crop could be raised .. | Rs. 6 per acre. |
| (d) lands made fit for cultivation and on which two or more paddy crops could be raised .. | Rs. 10 per acre. |
| (e) other lands benefited .. | at such rates per acre not exceeding rupees ten as may be fixed by the Government from time to time : |

Provided that in cases where irrigation water is availed of by bailing or by means of mechanical contrivance, the water-cess leviable shall be at 50 per cent of the rates specified in clause (a) or clause (b) or clause (c) or clause (d), as the case may be.

Explanation.—The right of the Government to levy cess at the rates specified in this sub-section shall not be affected by the fact that the lands are cultivated with crops other than paddy or that the lands are not actually cultivated.

(4) Arrears of cess levied under this section shall bear interest at the rate of four per cent per annum.

16. It shall be the duty of the Irrigation Officer to periodically inspect all major irrigation works and report to the Chief Engineer the condition of those works. The Chief Engineer may on being satisfied from the report or from other reliable information that any work is to be executed for the proper maintenance of the work, execute the work at the cost of the Government.

PART IV

BETTERMENT CONTRIBUTION

Levy of betterment contribution.

17. The Government shall be entitled to levy a betterment contribution, in accordance with the provisions of this Part from the landholder of any land which, in their opinion, is benefited by any major irrigation work the construction, expansion or alteration of which the Government have undertaken on or after the 1st January, 1943.

Explanation.—A land shall be deemed to be benefited notwithstanding that the benefit is not enjoyed provided such non-enjoyment is not due to any default on the part of the Government.

Amount of betterment contribution

18. (1) The lands benefited by the construction, expansion or alteration of any major irrigation work shall be divided into suitable classes by the Government and the annual increase in the gross produce of each class of lands consequent on the provision of irrigation facilities shall be estimated :

Provided that all lands which are of the same *taram* and which, judged by their commandability, are so situated as to derive the same amount of benefit from the work shall be placed in the same class.

(2) The annual increase in the gross produce shall be estimated with reference to the average of the prices prevailing during the five years immediately preceding the date of making such estimate.

(3) Twenty times the annual increase in the gross produce estimated under sub-section (1) shall be deemed to be the increase in the capital value of each class of land ; and one-fourth of the sum by which the said increase in the capital value exceeds the cost (estimated in the prescribed manner) of making such class of land fit for advantageous irrigation under the major irrigation work shall be the contribution payable in respect of that class of land.

Explanation.—The cost of making each class of land fit for advantageous irrigation shall include the cost of converting dry land into wet land.

(4) The contribution payable in respect of each class of lands expressed in terms of rate per acre shall be notified in the Gazette and in such other manner, if any, as may be prescribed :

Provided that the officer authorised in that behalf shall, before determining the contribution under the foregoing provisions of this section publish his proposals in the prescribed manner and shall consider suggestions and objections received within the time allowed.

(5) An appeal shall lie to the prescribed authority against a decision with respect to the contribution notified under sub-section (4) and any modification made on such appeal shall be notified in the prescribed manner.

(6) An order notified under sub-section (4) or, where it is modified under sub-section (5), the order notified under that sub-section, shall be binding on all persons having interest in the lands and shall not be liable to be questioned in a court of law.

19. The contribution payable under this Part in respect of any land shall be deemed to be public revenue due upon the said land ; and the land, the buildings upon it and its products shall be regarded as the security of the contribution. When the whole or portion of an instalment of the contribution payable in any year is not paid on the due date, the amount of the instalment or its unpaid portion shall be deemed to be an arrear of land revenue and the provisions of the Travancore-Cochin Revenue Recovery Act, 1951, shall apply to the recovery of the said arrear as they apply to the recovery of the revenue due on the land.

VII of
1951.

20. (1) Contribution shall become payable under this Part on a written notice of demand therefor issued by an officer authorised by the Government in this behalf being served on the landholder :

Provided that no such notice shall be served until the expiry of two years after the date of provision of irrigation facilities to the land concerned.

(2) For the purpose of sub-section (1), the date of provision of irrigation facilities to a particular area commanded by the major irrigation work shall be the date which the Government may, by notification, specify.

(3) For the avoidance of doubt, it is hereby declared that it shall not be necessary to serve notice on any person other than the landholder, who has an interest in the land or on a successor-in-interest of the landholder or in respect of any instalment of the contribution.

21. (1) The contribution payable by a landholder shall be paid by him in twenty equal annual instalments :

Provided that he shall be entitled to pay the entire contribution with a rebate of twenty per cent within a period of one year from the date on which he becomes liable to pay the contribution.

(2) Arrears of instalments of the contribution shall bear interest at the rate of four per cent per annum.

22. If the Government accept any money from any person for the construction, expansion or alteration of any major irrigation work and such person becomes liable to pay contribution in respect of any land benefited by such construction, expansion or alteration, the sum accepted from him shall be credited towards the contribution payable by him.

Right of reimbursement in respect of contribution. 23. Where in respect of a particular land two or more persons are liable to pay contribution under this Part nothing in the Part shall be deemed to affect the right of each such person to reimbursement from the other.

Tenant or mortgagee liable to pay instalment of contribution. 24. Notwithstanding anything contained in sections 17, 19, 20 and 21 where any land benefited by a major irrigation work is in the occupation of a tenant under a lease and the lessor is not entitled to enhance the rent either under any law governing the lease or under the contract of tenancy, or where such land is in the possession of a mortgagee, the liability to pay the instalment of the contribution falling due during the period of occupation or possession shall be on the tenant or the mortgagee, and the amount so due shall be a charge on the interest of such tenant or mortgagee in the said land and it shall be recoverable from such tenant or mortgagee as an arrear of land revenue and the provisions of sections 17, 20 and 21 shall apply in relation to any such instalment as they apply in relation to an instalment due from a landholder.

Exemption. 25. If, in the opinion of the Government, the enforcement of all or any of the provisions of this Part will cause hardship in the case of any class or classes of lands in any locality, the Government may, by notification, setting out the grounds therefor, exempt either permanently or for a specified period, such class or classes of lands from all or any of the provisions of this Part, subject to such conditions, if any, as the Government may deem fit to impose.

Postponement of recovery of contribution. 26. Where there has been a failure of crops in any area, the Government may, notwithstanding anything contained in this Part or the rules made under this Act, postpone for such period as they may think fit, the recovery of any instalment of the betterment contribution.

PART V

OBTAINING MATERIALS IN EMERGENCIES

Impressment of materials for urgent works of repair, etc. 27. (1) Whenever it appears to an Irrigation Officer that unless some work or repair is immediately executed any irrigation or drainage work would sustain such serious damage as to cause sudden and extensive public injury, such officer or other person authorised by him in this behalf may enter upon or into any immovable property in the neighbourhood of any such irrigation or drainage work and take possession of, appropriate and remove any trees and any timber, bamboos, mats, ropes, straw, earth, stones or other materials found in or upon such property, and use the same for the purpose of such work, repair or clearance. The Irrigation Officer or other person authorised by him who appropriates and removes any materials as aforesaid shall prepare an inventory thereof and keep it as record with his signature affixed thereto.

(2) Every person authorised under sub-section (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

28. All persons whose materials may be taken under section 27 shall, as soon as may be reasonably practicable and in any case within 15 days from the date on which the work or repair was completed, be paid by the Irrigation Officer for such materials at 25 per cent in excess of their prevailing market rate and in case of dispute as to the prevailing market rate, the Irrigation Officer shall at once refer the dispute to the decision of the Collector, and such decision shall be final.

Payment for the materials taken.

29. Whenever as a result of the removal under section 27 of any trees, bamboos, earth, stone or other materials, any other damage results directly to any person, the Irrigation Officer shall pay or tender payment for such damage and in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the decision of the Collector and such decision shall be final.

Compensation for damage in taking materials.

PART VI

REGULATION OF WATER SUPPLY

30. (1) The distribution of the water of all minor and major irrigation works constructed, repaired or maintained wholly or partly at the cost of the Government shall be regulated by such rules or orders as may be prescribed or issued by Government from time to time.

Distribution of water from irrigation works.

(2) The distribution of water from all petty irrigation works constructed, repaired or maintained wholly or partly at the cost of the panchayat shall be regulated by such by-laws as may be framed in that behalf by the panchayat. The distribution of water from petty irrigation works, in local areas where according to custom such works are carried out, repaired or maintained by the Government wholly at their cost shall be regulated by such rules or orders as may be prescribed or issued by Government from time to time.

PART VII

PENALTIES AND PROCEDURE

31. Whoever without proper authority does any of the following acts, that is to say,—

Offences punishable under the

- (1) injures, alters, enlarges or obstructs any irrigation work ;
- (2) interferes with, increases or diminishes the supply of water in, or the flow of water from, through, over or under any irrigation work ;
- (3) interferes with or alters the flow of water in any irrigation work so as to endanger, injure or render less useful any such work ;
- (4) being entitled to the use of the irrigation work, causes or occasions waste of the water in such irrigation work or interferes with the authorised distribution of water therefrom or uses such water in an unauthorised manner ;

(5) corrupts or fouls the water of any irrigation work so as to render it less fit for the purposes for which it is ordinarily used ;

(6) destroys or moves any level mark or water gauge fixed by the authority of a public servant ;

shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to fifty rupees, or with both.

Cost of carrying out work to be recovered from convicted person. **32.** Where any person is convicted of an offence under section 31 any Irrigation Officer may remove the obstruction or repair the damage or replace or repair the level mark or water gauge in respect of which the conviction has taken place and the cost thereof shall be recoverable from such person as arrears of public revenue.

Suit or application for the issue of an injunction. **33.** Except where otherwise provided or where an order or decision is declared to be final, all claims in respect of anything done under this Act may be tried by the Civil Courts ; but no such Court shall entertain a suit or application for the issue of an injunction to restrain the exercise of any powers conferred by this Act upon the Government or any person or body of persons or any officer except where the result of the exercise of such power is solely to adjudicate the rights between private parties.

Power to arrest without warrant. **34.** Any person in charge of an irrigation work or of the distribution of water from such work may take into custody without a warrant and take forthwith before a Magistrate or to the nearest police station to be dealt with according to law, any person, who, within his view, commits any of the following offences :—
(1) wilfully injures or obstructs any irrigation work ;
or
(2) without proper authority interferes with the supply or flow of water in or from any irrigation work.

Period of limitation. **35.** The period of limitation for an appeal under this Act shall be sixty days from the date of the order appealed against.

PART VIII

MISCELLANEOUS

Protection of action taken under Act. **36.** No suit or prosecution or other legal proceeding shall lie against any person in respect of anything done or intended to be done in good faith under this Act or the rules made thereunder.

Bar of action against Government or panchayat. **37.** No action shall lie against the Government or a panchayat for not complying with the application of ryots for the construction, repair, improvement or restoration of any irrigation work.

Rate of cess fixed under this Act to be final and not to be questioned by any civil court. **38.** The rate of cess fixed by the Government or the panchayat shall be final and shall not be liable to be questioned by any Civil Court.

39. (1) The Government may, by notification, constitute an Irrigation Board for any local area for regulating the distribution of water of any irrigation work, for keeping the irrigation work or any part thereof in repair, and for such other purposes as may, from time to time, be prescribed by the Government by rules made under this Act.

Constitution of Irrigation Boards, their functions.

(2) The Government may in like manner dissolve any Board constituted under sub-section (1).

40. The Government may, by notification, authorise any person to exercise any one or more of the powers vested in the Collector by this Act and may in like manner withdraw such authority.

Delegation of power by Government.

40A. (1) Whenever by local custom or for other good reason any work for purposes of agriculture should be done by the joint labour or cost of the proprietors of all the lands benefited by such work if any such proprietor fails or neglects to do his share of the work or contribute his share of the cost or labour it shall be lawful for the Collector, the Punja Special Officer or any officer specially authorised by the Government in this behalf on the application of a reasonable number of proprietors interested in such work or injured by such failure or neglect to investigate the matter and pass such order as he deems fit and he may by such order also direct the defaulting proprietor to execute any portion of the work or pay any portion of the cost of the work. If the order directs that the defaulting proprietor shall execute a portion of the work it shall distinctly specify the portion of the work to be executed, the time within which it should be done and the estimated cost of such work. On the defaulting proprietor refusing or failing to execute the work within the time prescribed in the order the cost of the work may be recovered from such defaulter as arrears of land revenue and the work executed under the orders of the Collector, the Punja Special Officer or such officer specially authorised as aforesaid.

Procedure on failure to contribution cost or labour for work to be done by joint labour.

(2) Notwithstanding anything contained in sub-section (1) it shall be lawful for any of the proprietors to do the work or to contribute the cost or labour which the defaulting proprietor or proprietors should have done or contributed and in case he has so done or contributed after giving notice to the defaulting proprietor or proprietors he may apply to the Collector, the Punja Special Officer or any officer specially authorised by the Government in this behalf to order the defaulting proprietor or proprietors to compensate him for the reasonable cost or labour incurred by him. The Collector, the Punja Special Officer or such officer specially authorised as aforesaid may thereupon give notice to the defaulting proprietor or proprietors hear him if he appears and make such other investigations as he thinks necessary and order the defaulting proprietor or proprietors to pay a sum of money as would be in the opinion of the Collector, the Punja Special Officer or such officer specially authorised as aforesaid, sufficient compensation for such reasonable cost or labour.

(3) (a) Any aggrieved party may appeal to the Government or to any officer, specially authorised by the Government in this behalf by notification in the Gazette against any order passed by the Collector, the Punja Special Officer or the officer specially authorised under sub-section (1) or sub-section (2), provided that such appeal is preferred within such time as may be prescribed by the Government, and the Government or such other officer, as the case may be, may thereupon pass such orders as they or he think or thinks are just and reasonable after giving notice to the opposite party and hearing him if he appears.

(b) It shall be lawful for the Government to revise any order of the Collector, the Punja Special Officer or the officer specially authorised, made under this section and pass such orders as are in their opinion just and reasonable.

(4) Any sum of money ordered to be paid under the provisions of this section may also be recovered from the defaulting proprietor as arrears of land revenue and the amount so recovered paid to the party entitled to it.

Illustration.—The putting up of ring bunds or draining of water in punja padams in Kuttanad or Kole lands in Trichur taluk are works contemplated in this section.]

Liability to pay cess. 41. Notwithstanding anything to the contrary contained in any law for the time being in force or in any contract the liability to pay the cess levied by the Government or a panchayat under this Act in respect of any land shall be on the person in actual occupation or possession of such land at the time such cess or any instalment thereof falls due and the amount so due shall be a charge on the interest of such person in the said land and it shall be recoverable from such person as an arrear of land revenue.

Power to make rules. 42. (1) The Government may, after previous publication, make rules to carry out all or any of the purposes of this Act not inconsistent therewith.

(2) In particular and without prejudice to the generality of the foregoing power, they may make rules for—

- (a) the delegation of their powers to the Board of Revenue, Collectors or other authorities ;
- (b) the provision of such appeals and revision as may be found necessary in respect of the orders passed by any authority to whom powers may be so delegated ;
- (c) specifying the area benefited by an irrigation work and the extent of the benefit ;
- (d) the manner of estimating the gross produce and prices under section 18 ;
- (e) the proceeding of any officer who under the provisions of this Act is required or empowered to take action in any matter ;

- (f) the cases in which and the officers to whom and the conditions subject to which orders and decisions given under any provisions of this Act shall be appealable ;
 - (g) the persons by whom the time, place or manner at or in which anything for the doing of which provision is made in this Act shall be done;
 - (h) the number of elected and nominated members for each board, the term of office of the members of the board, the qualification and registration of electors, the time and mode of election and any other matter connected with election, the dissolution or supersession of the boards and the consequences of such dissolution or supersession, the powers and duties of the board, the conduct of business at meetings of the board, the appointment and punishment of the servants of the board and the relation between two or more boards under section 39 ; and
 - (i) all matters expressly required or allowed by this Act to be prescribed.
- (3) All rules made under this section shall be published in the Gazette.

(1) The Travancore Irrigation Act, III of 1972 and the Cochin Irrigation Act, VIII of 1111 are hereby repealed. ^{Repeals and savings.}

(2) Notwithstanding such repeal, any cess in respect of the period from the 1st day of April, 1950 until the date of commencement of this Act, due on any land benefited by a lift irrigation work shall be recoverable at the rate specified in sub-section (3) of section 15 which is applicable to the appropriate category of land and the cess so recoverable shall be deemed to be an arrear of cess due within the meaning of this Act.

(3) If any person who has paid before the commencement of this Act, for any part of the period specified in sub-section (2), any amount by way of cess in respect of any land benefited by any lift irrigation work in excess of the amount recoverable from him under sub-section (2) continues to hold that land, he shall be entitled to have the excess adjusted towards, any cess payable by him after such commencement in respect of that land under this Act.