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PART I

Orders and Notifications by the Governor of Bengal, the High Court,
Government Treasury, etc.

GOVERNMENT OF BENGAL.

HOME DEPARTMENT.

Political.

NOTIFICATION.

Burdwan. — No. 656P. — 10th February 1939.—In exercise of the power conferred by sub-section (4) of section 1 of the Criminal Law Amendment Act, 1932 (XXIII of 1932), the Governor is pleased to direct that section 7 of the said Act shall come into force in the whole of the district of Burdwan except the subdivision of Asansol on the date of publication of this notification in the *Calcutta Gazette*.

By order of the Governor,

H. J. TWYNAM,

Secy. to the Govt. of Bengal.

The Damodar Canal which was designed ultimately to irrigate about 200,000 acres of land in the districts of Burdwan and Hooghly was constructed between the years 1926 and 1936 and irrigation of a part of the area to be commanded began in 1933. Holders of

land who desired to have water from the canal could take leases under the Irrigation Act at the rate of Rs. 4-8 and Rs. 3-8 per acre for annual and long-term agreements respectively. In 1935 the Bengal Legislative Council passed the Development Act, the object of which was, in the words of the preamble, "to provide for the development of lands in Bengal and for that purpose to impose a levy in respect of increased profits resulting from improvement works constructed by Government". Section 10 of the Act provides that the levy, which is payable by all occupiers of lands benefited, shall not exceed one-half of the estimated benefit derived and that in respect of the Damodar Canal, the maximum charge shall be Rs. 5-8 per acre. The area commanded by the canal was actually brought under the operation of the Development Act in the year 1936-37 and the charge of Rs. 5-8 per acre was imposed on all occupiers except those whose leases under the Irrigation Act had not expired. Many representations were made to the effect that the rate of Rs. 5-8 per acre was excessive, and at the end of 1937 Government appointed a Committee to enquire into the equity of the charge. This Committee reported that having regard to the principles of the Act they were of opinion that the charge of Rs. 5-8 was not excessive. They recommended, however, that in view of the

bad conditions prevailing in the area the rate should be fixed at Rs. 2-9 per acre. On the basis of this recommendation Government decided that the levy should be at that rate for 1936-37 and 1937-38. It is to be noted that if this rate were realised in full from the maximum area hitherto irrigated, namely, about 135,000 acres, the revenue would be less than 3 per cent. of the capital cost of the canal, which is about Rs. 1,22,00,000. It must also be kept in mind that even in normal years it is likely that remissions would have to be allowed under the Act. Not only, however, did Government decide to reduce the rate chargeable under the Development Act, but they also decided that with effect from the year 1938-39 that Act should not govern the rates for the supply of water from the canal. Charges are now made only from persons who take leases under the Irrigation Act, the rates being Rs. 4 per acre for annual leases and Rs. 3-8 for long-term leases. In spite of these concessions agitators continued their endeavours to induce people to default in the payment of their dues. They have also tried to prevent those who wanted water from applying for leases under the Irrigation Act. At the beginning of the current financial year the arrears of water charges in the Damodar area payable at the reduced rate of Rs. 2-9

per acre under the Development Act, or at the rates agreed to under the voluntary leases under the Irrigation Act were about Rs. 6,42,000. Out of that amount and a further sum of about Rs. 71,500 added during the year, the collections up to the 28th January were less than Rs. 32,000. The activities of agitators have recently increased in consequence of the attempt on the part of Government officers to recover by means of the certificate procedure dues which were about to become time-barred. Officers have been obstructed in the performance of their duty and subjected to various forms of boycott, and attempts have been made to prevent the sale of property attached in execution of certificates. Government are of opinion that if this agitation is not checked at once, an outbreak of disorder over a wide area is inevitable and have therefore decided to bring section 7 of the Criminal Law Amendment Act of 1932 into force in the whole of the Burdwan district with the exception of the Asansol subdivision.

J. R. BLAIR,

Secy. to the Govt. of Bengal

(Communications and Works Dept.)