



THE CANAL AND DRAINAGE ACT, 1873



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**SCHEDULE.
[Repealed.]**

THE CANAL AND DRAINAGE ACT, 1873

* ¹Act No. VIII OF 1873

[11th February, 1873]

An Act to regulate Irrigation, Navigation and Drainage ²* * *

Preamble. WHEREAS, throughout the territories to which this Act extends, ³[the Provincial Government] is entitled to use and control for public purposes the water of all rivers and streams flowing in natural channels, and of all lakes and other natural collections of

¹For Statement of Objects and Reasons, see "Gazette of India, 1872, Pt. V, p. 651 ; for Reports of Select Committee, see *ibid.*, p. 747 and *ibid.*, Supplement, 1873, p. 223 ; for Proceedings in Council, see *ibid.*, Supplement, pp. 919, 956 and 1081; *ibid.*, 1873, Supplement, pp. 54,156,223,246 and 279.

This Act has been extended and amended in its application to the Divisions of Quetta and Kalat by West Pakistan Ord. No. 24 of 1964, ss. 2 and 3 (with effect from the 11th April, 1964). The Act has been amended in the N.W.F.P. by N.W.F.P. Acts 3 of 1938 and 13 of 1948.

It has been declared not to apply to any canal which is included for the time being under Sch. I or Sch. II to the Punjab Minor Canals Act, 1905 (Pun. Act 3 of 1905), see s. 2 (3) of that Act.

It has also been amended in its application to the Province of Punjab, see Punjab Act No. XIV of 1952, ss. 2 and 3.

It has been applied to Phulera in the Excluded Area of Upper Tanawal to the extent the Act is applicable in the N.W.F.P., subject to certain modification and extended to the Excluded Area of Upper Tanawal (N.W.F.P.) other than Phulera with effect from such date and subject to such modifications as may be notified; see N.W.F.P. (Upper Tanawal) (Excluded Area) Laws Regulation, 1950.

The Act, as in force in the North-West Frontier Province immediately before the commencement of N.W.F.P. Regulation No. II of 1974, has been applied to the Provincially Administered Tribal Areas of Chitral, Dir, Kalam, Swat and Malakand Protected Area, by N.W.F.P. Regulation No. II of 1974, s.3.

This Act has been amended to the extent of Islamabad Capital Territory, see Ordinance No. 27 of 1981, s. 5 and Sch. IV.

This Act has been repealed in its application to the Province of Balochistan, by Balochistan Ordinance No. 20 of 1980. s. 73.

²The words "in Northern India" omitted by A.O., 1949, Sch.

³Subs. by A.O., 1937, for "the Govt."

*This act also has been amended in its application to the province of N.W.F.P by N.W.F.P ord. V of 1980.