

The Punjab Thur and Sem Lands (Reclamation) Act, 1963

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Act 25 of 1963

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The Punjab Thur and Sem Lands (Reclamation) Act, 1963 Punjab Act 25 of 1963 Received the assent of the President of India on the 30th May, 1963 and first published for general information in the Punjab Government Gazette (Extraordinary), Legislative Supplement, Part I of 12th June, 1963. An Act to provide for the reclamation of lands affected by thur and sem. Be it enacted by the Legislature of the State of Punjab in the fourteenth Year of the Republic of India as follows :-

1. Short title.

- This Act may be called the Punjab Thur and Sem Lands (Reclamation) Act, 1963.

2.

In this Act, unless the context otherwise requires, -(a)"Director" means an officer appointed, by notification, by the State government exercise the powers and to perform the functions of the Director under this Act ;(b)"Land Reclamation Officer" means an Officer appointed, by notification, by the State Government to exercise the powers and to perform the functions of a Land Reclamation Officer under this Act in a canal division or a number of canal divisions ;(c)"owner of land" includes the occupier thereof ;(d)"reclaimable area" means any area notified under sub-section (6) of section 4;(e)"reclamation" means taking of such measures as may be considered necessary by the Director for treatment of thur and sem lands with a view to making them fit for normal cropping ;(f)"prescribed" means prescribed by rules made under this Act ;(g)"thur and sem land" means any land affected or rendered unfit for cultivation by accumulation of salinity, alkalinity or waterlogging ; and(h)any other expression used and not defined in this Act shall have the same meaning as is assigned to it in the Northern India Canal and Drainage Act, 1873.

3. Authority to enter upon lands.

- The Director or the Land Reclamation Officer or any other person authorised by them in writing may enter upon any land for the purpose of carrying out preliminary survey to ascertain whether it should be included in a reclaimable area.

4. Procedure for declaring re-claimable areas.

(1)The State Government may, by notification, declare its intention of notifying any thur and sem land to be a reclaimable area for the purposes of reclamation.(2)Any person interest in the land notified under sub-section (1) may, within thirty days from the date of publication of the notification, object to the inclusion of the land or any portion thereof in the reclaimable area.(3)Every objection under sub-section (2) shall be made in writing to the Land Reclamation Officer who shall give to the objector an opportunity of being heard and shall, after hearing all such objections, and after making such further enquiry as he may think necessary, submit the case to the Director, together with the record of the proceedings held by him and a report containing his recommendations on the objections.(4)the Director shall express his views on the case and forward it to the State government for its decision.(5)The State government after considering the objections, if any, the report of Land Reclamation Officer and the views of the Director shall decide as to the land to be notified as reclaimable area and such decision of the State government shall be final.(6)After decision under sub-section (5), the State Government may issue a final notification of the reclaimable area for the purposes of reclamation.(7)The final notification referred to in sub-section (6) shall be conclusive evidence of the matters stated therein and shall not be liable to be called in question in any court or before any authority.

5. Power to enter on the lands in reclaimable areas and payment of compensation for damage.

(1)At any time after the issue of the final notification under section 4, the Land Reclamation Officer or any other person acting under his general or special order may enter upon any land in the reclaimable area and may :-(a)undertake surveys and levels thereon;(b)dig and bore into the subsoil ;(c)make and set up suitable landmarks, level marks and watergauges; and(d)do watering, levelling and ploughing or other acts necessary for the purposes of preparation of the reclamation scheme :Provided that such officer or person shall not enter into any building or enclosed court or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without giving to the occupier thereof at least seven days' notice in writing of his intention to do so.(2)The Land Reclamation Officer shall, before the preparation of the reclamation scheme, tender compensation for any damage to crops or property which may be occasioned by any proceeding under this section, and in case such compensation is not accepted on the ground of inadequacy, the Land Reclamation Officer shall refer the matter to the collector whose decision on such reference shall be final :Provided that no such decision shall be made by the Collector without affording an opportunity of being heard to the person concerned.

6. Preparation of reclamation schemes.

(1) Within sixty days of the issue of the final notification under section 4, the Director shall prepare a reclamation scheme for the reclaimable area which may include all or any of the following measures - (a) increase or decrease of water allowance ; (b) prohibition of growing any crop, following of a specified crop pattern or corporation; (c) application of any type and quantity of manure, whether green, artificial or farm yard; (d) construction of any field or drainage work; (e) layout of the fields and following of specified methods of cultivation, sowing and irrigation; and (f) such other measures as may be considered necessary. (2) The reclamation scheme prepared under sub-section (1) shall be published by the Director in such manner as may be prescribed.

7. Execution of reclamation schemes.

(1) The Land Reclamation Officer shall inform in the prescribed manner every owner of land in the reclaimable area about the reclamation scheme thereof. (2) Every owner of land in the reclaimable area to whom information under sub-section (1) has been furnished shall be bound to carry out at his own cost within the specified period which shall not be less than one year the reclamation scheme and the directions issued from time to time by the Land Reclamation Officer with regard to the execution of the scheme. (3) If the owner of land uses the water supplied to him for reclamation in any manner other than that specified in the reclamation scheme or in contravention of the directions issued by the Land Reclamation Officer under sub-section (2) or suffers the water to run to waste, the water shall be deemed to have been used by such owner of land in an unauthorised manner or to run to waste, as the case may be, and all charges for such unauthorised use or wastage of water shall be recovered from him under and in accordance with the provisions of section 33, 34 and 35 of the Northern India Canal and Drainage Act, 1873, and the rules made thereunder.

8. Application for procuring temporary occupation of lands for purposes of reclamation.

- If the owner of land fails to carry out the reclamation scheme or the directions of the Land Reclamation Officer with regard to the execution of the scheme, the Land Reclamation Officer may, with the previous permission in writing of the Director, apply to the collector for procuring on payment of compensation the temporary occupation of such land for such period not exceeding five years as may be specified in the application.

9. Temporary occupation to be procured under Land Acquisition Act, 1894.

(1) On receipt of an application under section 8, the collector shall proceed to procure the temporary occupation of the land for the period specified in the application under and in accordance with the provisions of Part VI of the Land Acquisition Act, 1894. (2) The collector shall then authorise the Director or other person acting under his general or special order to enter upon and take possession of the land and the Land Reclamation Officer shall thereafter undertake the proper execution of the reclamation scheme.

10. Restoration of land.

- On the expiry of the period of temporary occupation of land or on the reclamation of the land in accordance with the reclamation scheme, whichever is earlier, the collector shall, on a report received in this behalf from the Land Reclamation Officer, restore the land to the owner thereof in the manner prescribed.

11. Liability of owners of land for cost of reclamation.

(1)The expenditure incurred by the State Government in carrying out reclamation of any reclaimable area shall be equitable apportioned by the Director among the several owners of land and persons having interest in the land comprised in such area and each of such owners and persons shall be liable to pay the amount falling to his share.(2)the amount apportioned under sub-section (1) shall be a charge on the land to which it relates and the apportionment shall not be called in question in any court or before any authority.(3)The Director shall also determine whether the amount apportioned shall be payable in a lump sum or by annual instalments, and in case of annual instalments he shall fix the amount and number thereof.(4)The Director or an officer authorised by him in writing shall cause to be served upon the owner of land or person having interest in the land, liable to pay the amount apportioned to him under this section, a notice of demand specifying the amount payable by him and the manner in which and the authority to whom it is to be paid.

12. Recovery of cost of reclamation.

- The cost of reclamation apportioned under section 11 or any portion thereof which remains un-paid after the due date shall be recoverable as arrears of land revenue :Provided that the defaulter shall not be liable for arrest nor his land shall be sold.

13. Right of occupiers to recover expenses from owners.

- Where an occupier of any land included in the reclaimable area has incurred any expenditure in the execution of any reclamation scheme, he shall be entitled to recover the amount of such expenditure from the owner of the land.

14. Permission to increase rent on account of reclamation.

- Notwithstanding anything contained in any other law for the time being in force, it shall be lawful for an owner of land whose land is included in the re-claimable area to enhance the rent payable by a tenant of such land after its reclamation by such amount, in such manner and subject to such conditions as may be prescribed.

15. Power to use force, etc.

- On representation by the Director or the Land Reclamation Officer the Collector may take or cause to be taken such steps or use or cause to be used such force as may in his opinion be reasonably necessary for securing compliance with the provisions of this Act.

16. Delegation.

- The Director may, with the previous approval of the State government, delegate all or any of his powers under this Act to the Land Reclamation Officer of the Divisional Canal Officer, or to any other Officer of the Land Reclamation Department, within whose jurisdiction the reclaimable area is situated.

17. Certain powers under Central Act 8 of 1873 to be exercised by Director.

- For the purposes of distribution of water and of carrying out reclamation and acts connected therewith, the Director and all persons to whom his powers are delegated under section 16 shall exercise the powers of a Divisional Canal Officer or Sub-Divisional Canal Officer under sections 14, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 30A, 30C, 30D, 30E, 30F, 30G, 32, 33, 34, 35 and 68 of the Northern Indian Canal and Drainage Act, 1873 and the rules made thereunder.

18. Persons acting under the Act to be public servants.

- Every person while exercising any power or performing any duty under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

19. Protection of acts done in good faith.

(1) No suit, prosecution or other legal proceeding shall be against any person deemed to be a public servant under section 18 in respect of anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder. (2) No suit or other legal proceeding shall lie against the State government for any damage caused by anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

20. Bar of jurisdiction of civil courts.

- No civil court shall have any jurisdiction to entertain or decide any question relating to matters falling under this Act.

21. Power to make rules.

(1) The State government may, by notification and after previous publication, make rules for carrying out the purposes of this Act. (2) In particular, and without prejudice to the generality of the foregoing

power, such rules may provide for all or any of the following matters, namely :-(a)the manner in which notifications under section 4 shall be published;(b)the manner in which the reclamation scheme shall be published;(c)the manner in which owners of land shall be informed under section 7(1) about the reclamation scheme;(d)the manner in which the land shall be restored under section 10 ;(e)the procedure to be adopted for depositing the amount apportioned under section 11;(f)the amount up to which, the manner in which and the conditions subject to which the rent may be enhanced under section 14; and(g)any other matter which can be or may be prescribed.(3)Every rule made under this section shall be laid as soon as may be after it is made before [] [The words 'each House of' omitted by the Adaptation of Punjab Laws Order 1970.]the State Legislature while it is in session for a total period of ten days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which it is laid or the session immediately following, [the Legislature] [Substituted for the words 'both Houses' by the Adaptation of Punjab Laws Order 1970.] agree in making any modification in the rule or [the Legislature] [Substituted for the words 'both House' by the Adaptation of Punjab Laws Order 1970.] agree that the rule should not be made the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule.