

The Punjab Reclamation of Land Act, 1959

HARYANA

India

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Act 21 of 1959

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The Punjab Reclamation of Land Act, 1959 Punjab Act No. 21 of 1959 Statement of Objects and Reasons. - At present there are separate Acts for the erstwhile Pepsu and Punjab areas governing the subject of reclamation of land. These are the Pepsu Reclamation of Land Act, 2009 Bk. and the East Punjab Reclamation of Land Act, 1949. It was considered necessary to unify the law for both these areas. The present Bill seeks to serve that purpose. 2. Under section 7 of the Pepsu Act land reclamation was and could be taken up through private firms and the expenditure incurred by Government was equitably apportioned between the owners of the land reclaimed and could be recovered as arrears of land revenue. Under the East Punjab Act, there was no provision for carrying out reclamation of land through private agencies. Experience has shown that the method of getting the work done through private firms is more advisable and practicable and exposes Government to much less financial risk or expense. Accordingly, in the present Bill, provision has been made for reclamation of land through private agencies and for the expenditure incurred to be recoverable as arrears of land revenue from the owners who derive benefits under the scheme introduced by Government and carried out by private agencies. Received the assent of the President of India on the 1st June, 1959 and was first published for general information in the Punjab Government Gazette (Extraordinary) dated 13.6.1959. An Act to consolidate and amend the law relating to the reclamation of lands in certain areas. Be it enacted by the Legislature of the State of Punjab in the Tenth Year of the Republic of India as follows :-

1. Short title, extent and commencement.

(1) This Act may be called the Punjab Reclamation of Land Act, 1959. (2) It extends to the whole of the State of [Haryana] [Adaptation of Laws Order, 1968.]. (3) It shall come into force at once.

2. Definitions.

- In this Act, unless the context otherwise requires, -(a) "Preliminary survey" means operations undertaken to ascertain the quality of any land for the purpose of declaring it to be a reclaimable

area;(b)"reclamation" means such operations as are considered necessary by the Director to reclaim and cultivate any reclaimable area;(c)"reclaimable area" means such waste lands and the intervening cultivated lands as the State Government may, by notification under section 5, declare to be a reclaimable area;(d)"the Director" means the Director of Agriculture [Haryana] [Adaptation of Laws Order, 1968.];(e)"waste land" means land recorded as Banjar of any kind in revenue records and such Ghairmumkin lands as are reclaimable.

3. Interpretation.

- The Punjab General Clauses Act, 1898, shall apply for the interpretation of this Act as it applies for the interpretation of a [Haryana] [Adaptation of Laws Order, 1968.] Act.

4. Authority to enter upon waste lands.

- The Director or any person authorised by him in writing may enter upon any waste land for the purpose of carrying out preliminary survey.

5. Declaration of reclaimable area and powers of the Director with regard thereto.

(1)If the State Government is of opinion that any area comprising waste lands and the intervening cultivated lands is required for reclamation, it may by notification declare such area to be reclaimable area for the purposes of this Act and such notification shall be conclusive evidence of the matters stated therein, and shall not be liable to be called in question in any court.(2)The Collector of the district in which the reclaimable area is situated shall give publicity to the notification issued under sub-section (1) in such manner as he may deem fit.(3)Upon the issue of a notification under sub-section (1) the Collector may, notwithstanding any law to the contrary, authorise the Director to take possession of the whole or any part of the area specified therein for a period not exceeding ten years for the purpose of carrying out reclamation.

6. Power to use force etc.

- 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.

7. Delegation of powers.

- The Director may delegate all or any of his powers and functions under this Act to any officer of the Agriculture Department, [Haryana] [Omitted by Punjab Act 21 of 1964, Section 2.].

8. Liability of owners for cost of reclamation.

(1)The total expenditure incurred by the State Government in carrying out reclamation of any reclaimable area shall be equitably apportioned by the Director between the several owners and persons having interest in the lands 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.

9. Recovery of cost.

(1)The cost of reclamation apportioned under section 8, whether before or after the commencement of this Act, shall be recoverable as arrears of land revenue.[-] [Omitted by Punjab Act 21 of 1964, Section 2.](2)The Collector shall cause to be served upon every person owning or having interest in the land in which reclamation is effected, a notice of demand specifying the amount of cost of reclamation payable by him and the period within which it is to be paid.

10. 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 (XLV of 1860).

11. Bar of suits or legal proceedings.

(1)No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act.(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 under this Act.

12. Power to make rules.

- The State Government may by notification make rules for carrying out the purposes of this Act.

13. Repeal.

- The East Punjab Reclamation of Land Act, 1949 (XXII of 1949), and the Pepsu Reclamation of Land Act, 2009 (Act V of 2009 BK), are hereby repealed, but notwithstanding such repeal any orders made, any notification issued, anything done, any action taken or any proceedings commenced in exercise of the powers conferred by or under the said Acts shall be deemed to have been made, issued, done, taken or commenced in the exercise of powers conferred by or under this Act.