

# The Punjab State Tubewell Act, 1954

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### Act 21 of 1954

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The Punjab State Tubewell Act, 1954 Punjab Act No. 21 of 1954 [Received the assent of the Governor of Punjab on the 10th May, 1954, and was first published in the Punjab Government Gazette Extraordinary, dated the 15th May, 1954.] [For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1954, P. 172.] An Act to provide for the construction, improvement, and maintenance of State Tube well Irrigation Works in Punjab. It is hereby enacted as follows :

#### 1. Short title, extent and commencement.

(1) This Act may be called the Punjab State Tubewell Act, 1954. (2) It extends to such local areas in Punjab as the Government may from time to time by notification direct. (3) It shall come into force on such date as the Government by notification in the Official Gazette direct.

#### 2. Definitions.

- In this Act, unless there is something repugnant to the subject or context, -(a) [ "Corporation" means Punjab State Tubewell Corporation Limited; ] [See Punjab Act No. 3 of 1974.] (aa) [ "Government" means the State Government of Punjab. ] [See Punjab Act No. 3 of 1974.] (b) "Prescribed" means prescribed by rules made under this Act; (c) "State Tubewell" means a tubewell hereto constructed, maintained or controlled or which may be hereafter constructed, maintained or controlled by the (Government [or the Corporation] [Substituted for the word 'the Government' by Punjab Act No. 3 of 1974.]) and includes all mechanical and electrical appliances, tools and structures appertaining to it and necessary for the obstruction of water from it; (d) "Tubewell" means any device for lifting water from below the surface of the ground by mechanical means operated otherwise than by human or animal power; (e) "underground water" means water under the surface of the earth regardless of the geologic structure in which it is standing or moving, but it does not include water flowing in artificial underground streams.

### **3. Application of the Act.**

- The Government may, by notification in the official Gazette, declare that any tract of land is a tract to which this Act will apply with effect from a day to be named in the notification, not being earlier than three months from the date thereof.

### **4. Application of Act VIII of 1873.**

- In respect of any State Tubewell the provisions of the Northern India Canal and Drainage Act, 1873 (VIII of 1873) (hereinafter referred to as the said Act), shall be deemed to apply in like manner as if such State Tubewells were a canal within the meaning of the said Act, except the provisions of section 1, clause (4) of section 3, section 5 and Parts VI and VIII of the said Act :Provided that for the purpose of such application the said Act shall be subject to the following modifications : (1) [ For the purpose of tubewells constructed, maintained, or controlled by the Corporation the officers of the Corporation holding such office as correspond to the offices mentioned in clause (7) of section 3 of the said Act shall exercise the same powers as are exercisable by the officers of the State Government holding corresponding offices in respect of the tubewells constructed, maintained or controlled by the Government and they shall be deemed to have been appointed as Canal Officer within the meaning of the aforesaid clause (7). [See Punjab Act 3 of 1974.](1-A) In section 6 of the said Act, for the words "so named" the words and figures "named in a notification under section 3 of the Punjab State Tubewell Act, 1954", for the words "State Government" the words "State Government or the Corporation, as the case may be," and for the words "such application or use of the said water" the words "the application or use of the under ground water for the purpose of a State Tubewell" shall be deemed to be substituted, respectively;](2) In section 8 of the said Act clauses (a) and (c) and the reference thereto in clause (i) shall be deemed to be omitted in clause (g) for the words "through any natural channel which has been used for purposes of irrigation" the words "in any well which has been used" shall be deemed to be substituted and in the last paragraph for the words and brackets "clauses (a), (b) and (c)" the word and brackets "clause (b)" shall be deemed to be substituted.(3) In section 32 of the said Act : (i) in sub-clause (1) of clause (a), the words "and with the previous sanction of the State Government" shall be deemed to be omitted. (ii) clause (b) shall be deemed to be omitted.(3-A) for section 36 of the said Act, the following section shall be deemed to be substituted, namely :- "36. Charges for supply of water from State tubewells. - The supply of water from a State Tubewell shall be charged at such rate (to be called 'the occupier's rate') per unit of electricity consumed for such supply, as the State Government may, from time to time, by notification, fix and different rates may be fixed in relation to supply of water from the tubewells constructed, maintained or controlled by the Government and the tubewells constructed, maintained or controlled by the Corporation :Provided that in the case of tube-wells constructed, maintained or controlled by the Corporation such rate shall be fixed after consultation with the Corporation."

**4. In section 68 of the said Act, for the words "Such Officer shall thereupon give notice" the words "on receipt of such application or when in the opinion of the Divisional Canal Officer any such difference is likely to arise he shall**

**give notice" shall be deemed to be substituted.**

**5. In clause (2) of section 70 of the said Act, the words "except by the construction of a tubewell" shall be deemed to be inserted before the words "interferes" and clauses (6) to (9) of the said section shall be deemed to be omitted.**

ValidationSection 4 of the Punjab Act No. 3 of 1974 is reproduced below :

**4. [ Notwithstanding anything contained in any judgment, decree or order of any court or other authority to the contrary, the rate of -] [See Punjab Act 3 of 1974.]**

(i)sixteen paise per unit of electricity consumed as prescribed by Punjab Government Irrigation and Power Departments notifications No. 17999- Irrigation and EL(57-63/20942, dated the 11th October, 1963, read with aforesaid Department notification No. 8280-5 I and E 64, dated the 17th April, 1964, for the period commencing from 1st April, 1963, and ending with 15th October, 1963.(ii)twenty-five paise per unit of electricity consumed as prescribed by Punjab Government Irrigation and Power Department notification No. 11788 IW&EL(6)-68/28248, dated the 5th/6th December, 1965, for the period commencing from 7th December, 1968, and ending with 31st March, 1970, and(iii)seventeen paise per unit of electricity consumed as prescribed by Punjab Government, Irrigation and Power Department Notification No. 1076- IW&EL(WC)(6)-73/13974, dated the 29th June, 1970, for the period commencing from 1st April, 1970.for the supply of water from the tubewells constructed, maintained or controlled by the Government shall be deemed to have been prescribed in accordance with law and the aforesaid rates shall be deemed to be and to have been, the actual occupier's rates fixed under section 36 as substituted by clause (ii) of section 3 of the Punjab State Tubewell (Amendment) Act, 1974, and accordingly, -(a)all acts, proceedings, or things done or action taken by the State Government or any officer of the State Government or by any other authority in connection with the levy of or collection of charges at the aforesaid rates shall, for all purposes, be deemed to be, and to have always been done or taken in accordance with law.(b)no suit or other proceedings shall be maintained or continued in any court or before any authority for the refund of any such charges; and(c)no court shall enforce any decree or order directing the refund of any such charges.