

## **Rules issued under Sections 57, 59 and 60 of the Northern India Canal and Drainage Act, VIII of 1873, as amended by the Northern India Canal and Drainage (East Punjab Amendment) Act, 1953**

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## **Rules issued under Sections 57, 59 and 60 of the Northern India Canal and Drainage Act, VIII of 1873, as amended by the Northern India Canal and Drainage (East Punjab Amendment) Act, 1953**

### **Rule**

### **RULES-ISSUED-UNDER-SECTIONS-57-59-AND-60-OF-THE-NORTHERN of 1953**

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Rules issued under Sections 57, 59 and 60 of the Northern India Canal and Drainage Act, VIII of 1873, as amended by the Northern India Canal and Drainage (East Punjab Amendment) Act, 1953Published vide Notification No. 1120/CA/1446/53, dated 2.8.1954

### **1. Mode of Publication of drainage works schemes.**

- A scheme for drainage works, under section 57 of the Act, shall be published in the Official Gazette together with an estimate of its cost and a statement of the proportion of such cost which the Government proposes to defray, and a schedule of the lands which it is proposed to make chargeable in respect of the scheme; and translations thereof in Hindi, Gurmukhi or Urdu shall be posted : (i) at the offices of the Deputy Commissioner and Divisional Canal Officer; (ii) at conspicuous places in the locality affected by the scheme, such as Tehsils and Thanas, etc. and shall also be published by beat of drum or in any other customary manner.

## 2. Cost of drainage works scheme.

- The term "Cost" in Section 57 of the Act, shall be deemed to mean the total charges of construction of the drainage works scheme and shall include the cost of land, if any, acquired for the drainage works, departmental charges, and such interest charges as may be ordered by the Government in accordance with its financial rules.

## 3. [ Calculation of drainage rate.] [Substituted by Punjab Government Notification No. 1417/CA/1446/58, dated 24.3.1955.]

- The portion of the cost to be recovered from the owners of lands benefited by the scheme, shall be worked out on the basis of the area served by the scheme in the following manner :-

(i) Total cost of the scheme	..	A
(ii) Amount recoverable from the owners (Total cost of the scheme less the portion that Government proposes to defray)	..	B
(iii) Total area that will be served by the scheme	..	C
(iv) Rate per acre of the areas served by the scheme		$VXD/R = D$
(v) Area benefited in a village	..	V
(vi) Total recovery from the village	..	$VxD$
(vii) Total revenue of the village	..	R
(viii) Amount recoverable per rupee of land revenue from the village	..	$VXD \times R/R$
(ix) Revenue paid by a land-owner	..	r
(x) Amount recoverable from the land-owner	..	$VxD \times r/R$

## 4. Option of land-owner for mode of payment.

- On publication of the Drainage Works Scheme, the Divisional Canal Officer shall publish in the villages affected thereby that the owners of lands chargeable in respect of the Scheme should intimate to him through an application, in writing, within 15 days of the date of such publication, their option with regard to the manner of payment. If no intimation regarding manner of payment or an objection under Rule 5 infra is received by the Divisional Canal Officer from any land-owner within the period prescribed, it shall be presumed that he proposed to contribute in cash.

## 5. Disposal of objections as to the ownership of lands chargeable in respect of drainage charges.

- Any aggrieved land-owner may present a petition, in writing, to the Divisional Canal Officer within 15 days of the date of the publication referred to in Rule 4, stating his objections. The Divisional Canal Officer shall after giving him an opportunity to support his objection and after such verification as may be necessary, either confirm, vary or cancel the assessment against him.

## **6. Conditions for surrender of land in lieu of drainage charges.**

- Surrender of land by any land-owner in lieu of full or part payment of drainage charges shall be acceptable only if the area to be surrendered is free from all encumbrances [and comes within the area to be acquired by the Government for the execution of the Drainage Scheme concerned] [The words "and comes within the area to be acquired by the Government for execution of the Drainage Scheme concerned" added after the word "encumbrance" by Punjab Government Notification No. 1417/CA/1446/53, dated 24.3.1955.]. Where land is given by the owners, due credit for the cost of such lands will be given to the recoveries of drainage charges to be effected from the land-owners.

## **7. [ Evaluation of land offered for surrender in lieu drainage charges.] [Substituted by Punjab Government Notification No. 1417/CA/1446/53, dated 24.3.1955.]**

- The value of land surrendered in lieu of drainage charges will be determined as per rules laid down in Financial Commissioners' Standing Order No. 28, by the Collector.

## **8. Appointment of dues among joint ownership.**

- If any land on which charges are levied, is owned by more than one person, the Divisional Canal Officer, on receipt of application from any one of the owners will distribute the charges amongst all owners according to their shares in the said lands as per Revenue Records.

## **9. [ Conditions for offer of labour in lieu of drainage charges.] [Substituted by Punjab Government Notification No. 1417/CA/1446/53, dated 24.3.1955.]**

- The offer of labour made by any land-owner in lieu of full or part payment of the charges shall be accepted if the labour is to be performed only by able- bodies adult males between the age of 18 and 55 year and shall be subject to the following conditions :-(i)The land-owner, who choses to contribute in labour will inform the Divisional Canal Officer, or the Sub-Divisional Canal Officer concerned, of the quantum of labour that he would supply, and the Divisional Canal Officer or the Sub-Divisional Canal Officer will intimate to the Tehsildar, through the Collector, that corresponding recoveries be held in abeyance.(ii)The quantum of labour will be supplied in the digging of the drain in question, which the Divisional Canal Officer or the Sub- Divisional Canal Officer will specify to the owner. The Divisional Canal Officer or the Sub-Divisional Canal Officer will allocate the reach in which he will accept the labour.(iii)The period for which recovery will be held in abeyance will be the period specified for the digging of the drain and will be fixed by the Divisional Canal Officer in each case.(iv)The Divisional Canal Officer or the Sub-Divisional Canal Officer will communicate, at the expiry of the period, to the Tehsildar, through the Collector, the remission to be granted to each owner for contribution by way of labour.

## **10. The rate of labour offered by a land-owner.**

- The rate of labour, offered by a land-owner in lieu of payment of drainage charges, will be the rate for the time being paid by Government in the neighbourhood for similar works. [-] [The words 'or as fixed by the Collector' occurring at end of rule 10, decided by Punjab Government Notification No. 1417/CA/1446/53, dated 24.3.1955.].

## **11. Distribution of demand slips.**

- As soon as the demand statement in respect of drainage charges for any village are completed, the copies of demand slips meant for assesseees will be sent to a Canal Patwari or a Civil Patwari through the Collector. The Patwari will deliver these to Lambardar concerned within 5 days of their receipt by him. The Lambardar will distribute them among assesseees or failing them to their recognised agents or an adult male member of the family of an assessee within 5 days of receipt of these demand slips from Patwari. The acknowledgement of assesseees for demand slips shall be submitted by Lambardars to Divisional Canal Officer under registered post through Canal Ziladar concerned within 10 days of their receipt from Canal Pagwari.

## **12. Submission of Demand Statements to Tehsils.**

- One copy of the demand statement for each village shall be sent to the Tehsil concerned through the Collector for recovery. The Divisional Canal Officer may lay down if recovery is to be made in one or more instalments.

## **13. Procedure of recoveries.**

- Any amount due from an assessee under the Notice of Demand for drainage charges shall on demand be payable to the Lambardar concerned. The procedure for recovery will be the same as followed in the case of recovery of land revenue and water rates.

## **14. Objections by land-owners to amount shown in the demand statement and their disposal.**

- Any owner may present his objections against the amounts shown in the demand statement to the Divisional Canal Officer concerned, within 15 days of the date of receipt of the demand slip by him, or his agent, or any adult male member of his family.-----