

PUNJAB LAND IMPROVEMENT SCHEMES, ACT, 1963

1963 : Pb. Act 23] L.A.ND 'IMVAOVXMEM .SCANME. 27t PUNJAB LAND IMPROVEIVJENT SCHEMES ACT, SECCIONS

CHAPTER 2. 4. 5. 5. 8. Q. 10. 12. 13. 14

15. SILO''' title. D afi.nit.ioæ. OF Aruas, 0k' LÅ9tl IMPROUT.MF.NT AKO OF LAKD Sean. •1B. Natiics!ions nf areas. Con.süLutLmi, etc., 01' .Dj*ltjel LH%d Cotw Function3 of Distr[ct. Li'tLd Improvament Power to cttler upon lands do •..ertuin acts. and pub-Tication nf Obl&ljoru tn S*lheme. bt'quiry Ento objections report. Sanctioning of tinal *Sheme. Publication of E.cheme. P') wet of Land Improvement make t—uiations. Scu.mnx. Can.mitleøg Sail Canservation Officer to execute 'he eeheme. Power Lo earry the works under the echmeg. Power Cenira3 Govern-ment earry schernes. CHAPTER IN AKO •r.,rsc OE OUT SCLto.æ.. IS. Preparation ot- statement. IT. Obhgstion ...t meinti'l * .nd repRtE wor•kB. 272 se.HtM'e [1963 SECTIONS 21. 23. 24. 25. of disputes relating to werkE. Amau.nls to be recovered- Penalty. Inqu1rE% 10 be held surn.mudly. Fermission to ineregsc rent ao geaub! of ments eäeet•ed- Regist:utlon documeats, plans or with scheme mat regulr•d_ Power to rcvoke schemes. Inspection Of dceunenb, and obtaihep: eopje Dolcgatiom CQTQin QMce.EE to public Protection ot at!" done i)) frith. Apphcatic...n af Acc 2 oc 1900 nol barred. Power make 273 : Ph. 23] IMPROVEMENT SCHEME LANI) IMPROVEMENT SCHEMES ACT, PUNJAB ACT xO- 23 1963. I Received the assent of the Presiden.t of India on Che 101h. May. 1963, and fi•rsr. •publi*he.d for general in- formation •im the Puniab Gouernment Gazette Suppl.emelü.. Part i, of May, IT Pua T nad g&he.ne« AL". by LhL: &wær.i• on Rod Order. i goz AC.T to pt0üü:12 the l'Lak.iny o/ land. Em- prove.me.Bt soil CORSElnn.t.iOfi of soil resouTc.es, Q]enlion or mitiqalü-rn of soil. eroston, pv•ot.ect.ion o} land drmnage bu floods or draught, fc•rm diainage or other •u:orks, iuei.nc•ual lo, or conn.ecteri wth. such. purposes. BE it enacted by the Legislature of the State of Punjab in the Fourteenth Year of :t11E Republic India as :foUows . 1 This Act :-nav bc: called the Punjab Land inl- sz,oa-l Act, l!G3. 'For 01 ar:d 275. D &hSBB.!. 274 2. I-AND [1%3 ; Eb. Act In Lhi* Act, unless the context. otherwise re- quiceB,— (a) "Deputy Commissione:•" means the Otnce.r appointed far the tirne being to be the De- puts Commissioner of a Dix griet. and ID- cludes any other cficer auihoriged by the '[Cent.l'äl by notification to the functions OT Deputy Corn- missioner under ibis Aet and {he rules roade thereunder (b) means the Officer appointed tor the time being to be the Director of Agri- culture, and ine]udes anv other omcer authorised by the "[Central Government.] by notification to perform the functions of the Director under this Act and the roles made Ibereunder "District Land Inprovetneetl.. Cotremittce" means a Committee constituted under sec- tim 4 (d) "Erositn" means the removal displace- ment of earth, stones or other by the action of l.vind or ""ater (e) 'Enquiry Officer" means an of] icer of tha '[C.vniral appointed by a District Land Improvement Coc:nrnittce u.l-nder sub- section (3) of section ; "landowner" has the same meaning 46 assigned to it in the Punjab Land -Revenue Act, "noLified area" means any greA dec}ered to be a ootifigö urea under section 3 [h] 'fpt•escribedl' means prescribed by rule:s made under this Act 1m "Stote Gm.ernmnn•-" hy the PuniRb on Scalo Con- Order. egas. Pb. Act c..A.rm 275 (i) "reclamatelr, in relation to Itand, includes making land fit for cultivation or making any other frnproverment OT land ; "scheme" means a land improvement scheme made under this Act "Soil Conservatioo Officer•r means a Divi• simal Soi-I Conservation Officer or an Assistant. Soil Conservation OBcer . ap- pointed the ' [Central Government] in respect of a spec.it"od area to perform the functions the Soü Consorvation Officer rehis Ae.l and r.be rutes made there, under • "was!c land" means any }and rendered un- fit for cultivation on accotnt of accumula. tian of sand. growth of weeds, soil erosion or any other cause notified by the '[Q.ehtrtl Governmentl *Iworkl' means any work of public utility erected or carried auk under a CHAPTER NQTIFIC'AT10n- OF' AREAS, DF LAND IMPROVEMENT COM- MITU'PS OF SCHEMES. Whenever it appears to the Govern. Notkßcatian tnen] that in any comprising the whole or pare of a digriet it is neeesgat'y to provide far lha making and execution of improvement schemas inelud- ing sehec•nes for soil conservation, fmpovement of soil prevention or mitigation nf Roil erosion, protection of land against damage by floods or draught, farm drainage other F,vorks incidental to, or con- neeted with, such purposes. the State GovernmenL may, by notification declare such tn be a notiti@d area for the purpos.es of this Aet. 1 words Gnvç•mrnenr;• hv the 31unjob au Ordee, Ign•, 276 . SC.HCMZ : Pb. Act 23 4 _ (f) In every district, the whole or part of ot

Did. rici I-md DLLEie•L r.hp nt which is declared tu be a notiaæd there shall bc a committee to be called the District Land Improve. menc Committee consistinx 01 the Deputy Commis• sioner, DisLricl.. Agricultural Officer, Soil Conservation Divisional Forest OITLcel', Chairman of the Zila Parishad and Chairman or Chairmen of Panchayat Samiti 01' Panchayat. Samitis of the blocks which wholly or partly fall within the ar part af the notified areo. . Provided that where more than one Soil Conser- vation Officer. •-i arc: poeted in a district, thc: Soil Con- servalic.n Officer within who.ye jurisdiction the bu!k of tbe notified area. is 5Buated shall alone be the merobet• of the District Land Improvement Committee. (2) The DepuL•s• Commissionet' shall be the Chair* man of Lha n;striel Land I.mprovement Committee aid the soil Conceervation OIBcet' shali bc the Sc•cret.ary thereof. (3) Three ternnbez•s shall form the guorum for a AU before Land Im- probement Conu-nittee shan be decided accarding ta the opinion of thc majority of the members presenc and voting. In case of eguality of ü0tes: thc: Chairman shall have a second or casting voic. 5, (1) A District Land Improvement C.:mmiilee may direct Ike prepHration of a land improvement scheme for the whole a part of Ike notified area within the distJict, which provide for all any of the following mailers - (i) preven!ion of erosiwn of (i•i) prn.ærvation and imptnverment of soil ; (iii) raclametion of waste land • iltwrovment in TEL?thods of enlâvation including dn.' farming practices and Eion of cultivation , 1B ; Ph Act 23] 277 congtruction c.i earth and masonry works in fields, and ravines ; (vi} training of streamns ; (Dii) planting and preservaciun. trees, shrubs and grass on uncultivable land or providing shelter-kklts against wind or sand move- (viii) regul.alien of prohibition of firing of vegeta- tiam • improvement of water-suppey farm drainage and other works incidental to, or connected wil.h. any of l.he alot-csaid purposes any other matter which may prescriba:l (2) On a dilection being igg.ued under sub- {icc.tion Soil Conservaiaion shall pre• pare tbc plesct-ibea manner a dr*fi. scheme which amongst other things shall thr following particula (i) objects of the scheme (ii)• the ar,ci approximate areas nf the land to be included in the scheme (iii) the persons. including the Covernmenl, who will be affect.ed by the scheme , (in) the works to ba carried out under the scheme , (v) the agency through which the works shall carried , (ui) such other particulars as may be considered necessarv. 6- The Sail Conserv•af.iall Officer or any other U.BOâ1 l.a.n& oa person authorised in wril by 'he Dislricl Land Im- provemcnt Comrnittr• or the Soi] C.onxervation Omcer 278 1..*ND SCHEME [1963 ; l'b. Aet 23 may enter upon any land in a •notified area for the purpose of SLü'vey and preparation of 8 scheme and dt all acts necessary for such puepose and in parti- cular, m&Y— r. (a) dig or bore jnta the sub-soil or (b) take levels and rnark boundaries ; or ptace, erect or fix any peg or mark or (d) do all other acts necessary for such purpose. (I) ftc Soil Conservation C.)ffieec shall pre- Approval oublicatLw•, *hernes Objectiänf Schemes. pare the draft scheme ag required by sub-section (Z) of section S and submit the hame to the District Land frnprovernenc C.mnmjtteo, which may either approve the draft se.heme with or without modifical- ton or reject it and prapar•e or cause to be prepared another draft scheme. (2} After the draft scheme is approved by the District 1 Ahd Improvement {-ommiltee, it shall be published in English, Hindi and Punjabi languages in the Official Ga•mttr: and atyo in the prescribed manner in even,' village and at tho headquarters of the tahsil and disirjet in •which the lends included in tha scheme are situated, and a copy thereof shall be in the offices tha Panchayat, panehay#t samiti end Zila Parishad concerned. (3} As scon as the drafl seberne is approved, the District Land frnpravemr•nt Committee shall, appoint a to be an Enquiry Offeer. to 8. The District Land C.ommi!tee shall simul±aneously with the of the draft scheme In lhe amcial Gazette require all py•sons affected Lhe sehC'Tne 1 r) rr1Rke. thirty days of publics lion:-; any nhiections to the scheme or part thereof to thc Enquiry Offeer either in writing or by apptaring per.scmallv before hint

9. The OffTierr .iE•all inquire into the and. objections received hy him and submil Lhem to the 19æ : 23] LAND 279 District Land Improvement. Cnrnmittee together with his report. and recommendations thereon. IO. After considering I objections and the re- and recommendations af the h'.nquiry Officer echeme. thereon and any further report which the District Land Improvement CommiLtee may raquile from him * the District Land Improvement Comrnitt.ee may sanction the scheme, with without modification or rejeet. it Provided that the Dist.e•ie'. Land Tmprovetnent Committee shall not sanction the scheme if the majority of the ownecs of lbe land included in the scheme, o!her than the Government, or the owners, Other than the Government! awning in the aggregate more than fifty per centum of the land included in the scheme have objeceed to the making af the scheme, IL The scheme as senetioned under section IO shall be publishmi in the same manner as is provided eh.m.. in sub-section (2) of scolion. and on such publication Shal] be deemed Io be Hnal and shall come into force from the date of such

publication in the Official Gazette. 12, For the purpose of carrying out a scheme provided at Dis- which has come into force under section 11, the District Officer may, with the prior approval of the State Government, make regulations requiring any person or persons or the public generally to take certain action or to refrain from doing certain acts in respect of any matter included in the scheme or which may be supplementary or incidental to the scheme.

CHAPTER. OF SOIL CONSERVATION

13. When a scheme comes into force under section 11, the Soil Conservation Officer shall proceed to execute the scheme.

14. If a landowner affected by the scheme, unless he himself carries out the works or causes them to be carried out, he shall be liable to pay cost with interest under the 280 LAND IMPROVEMENT SCHEME Act thereon of such works in proportion to the area of land owned by him which has been included in the scheme. (2) If any landowner desires to carry out the works himself under the technical guidance of the Soil Conservation Officer, the landowner shall give notice in writing to that effect to the Soil Conservation Officer within thirty days of the publication of the scheme in the Official Gazette. (3) On receipt of such notice the Soil Conservation Officer shall inform the landowner about the works which are to be carried out on his land and shall the date before which the landowner shall carry out the works, (4) If the landowner fails to carry out any of such works to the satisfaction of the Soil Conservation Officer, or express his inability to do so in writing, before the date fixed for completion of the works, the Soil Conservation Officer may himself cause the works to be carried out and recover the expenses incurred for the purpose with interest thereon from the landowner in such manner as may be prescribed. 15, Notwithstanding anything contained in section 14, the Government may, in the case of any scheme which has come into force under section 11, direct that any work under the scheme may, in public interest, be carried out by the Government and that the cost of such work with interest thereon shall be recovered in whole or in part from the landowners in proportion to the area owned by each landowner which has been included in the scheme.

CHAPTER. OF WORKS

16. The Soil Conservation Officer shall, on completion of the works under a scheme: prepare a statement of the works done; the cost of the works; the total cost of such works; the rate of recovery of cost; the amount to be recovered from the landowners, the period within which such amount is recoverable and the number of instalments of (vi) the works in the opinion of the Soil Conservation Officer, should be maintained and repaired by landowners individually or jointly and the name of such landowner; and such other matters as may be prescribed. (2) A copy of the statement shall be sent to the Revenue Department for recovery in the manner prescribed. (3) When statement is prepared under this section, any rights and liabilities shown therein shall be entered in the record of rights or where there is no record of rights in such village record and in such manner as may be prescribed and shall thereupon form part of such record of rights or such village record. 17. (1) Every person shown in the statement prepared under section 16 to maintain and repair works shall maintain the same to the satisfaction of the Soil Conservation Officer and shall, within such time as the Soil Conservation Officer may fix, repair the works in his own land or in any other land in respect of which he is shown as liable in that statement. (2) If such person fails to maintain the works to the satisfaction of the Soil Conservation Officer or fails to repair them within the time fixed by the Soil Conservation Officer under sub-section (1), the Soil Conservation Officer shall himself maintain the works or get them repaired and recover the cost thereof with interest thereon from such person, (3) If the Soil Conservation Officer is of the opinion that an emergency has arisen and immediate repair of any works referred to in sub-section (1) necessary in public interest, he shall cause such repairs to be carried out and the cost of such repairs with interest thereon shall be paid by the landowner or landowners concerned, (4) Soil Conservation Officer shall, as soon as practicable, report to the Government regarding such repairs.

18. Any dispute as to the execution of work relating to a Scheme or the expenses incurred on the works or their maintenance and repair as referred to in section 16 or section 17 shall be decided by the Director whose decision shall be final. All amounts payable to, or recoverable by, the State Government or the landowner under this Act may be recovered as if they were arrears of land revenue.

CHAPTER. V 20, Any person, who any act which csuseg to any of the works carried out er maintained under any sehame which has come into force under 1Subatitüted for the wuL'd' "Mnie Govc.rumu-a•• by c Ad8Bt8tLon on M.•te and currenL : H. Aot IMPROVEMENT 283 section IL shall, on cowv•iction, be punishable with me which may extend to five hundred rupees- :ZI. Any Ofrer or authority empowered to bs •under this Act to make an Shall the SLI.rmuBrils: inquiry in the man-ner provided for holding a summary inquiry under the Punjab Land Revenue Act, 1887, and all the provisions aontained in that Act, reläiing lo the holding of a summary Enquiry, *hall apply to an inquiry mede under this Aet. (2) Such Officer or authority shall have the powers tor summoning and enforcing the altendanee of any person and examining oath and compelling the production af documents as are vested in the Revenue under the Punjab Lend Revenue Acta 22. Notwithslendlnq anything contained in •any rent co other hew for the time Iring in it shall be law- account ot im• ful for a landowner, whose land is includEd in A 6t.heme, to enhance the rent hy a tanant of such land bv such amoun*, in such manner and Sub.ic.et such conditions as may be prescribed. 23. (I) Nothing in the Indian Act, oe shall deemed to require the registration of any document, plan or map prepared, mede ar sanctioned or in connection with acheme which has come into force re- guired. under.section 11. (2) A-1! such plans and maps shall, for the purposes of sections 48 and 49 of the Indian Regis- trat.iorr Aeti 19081 be deemed to be registered. in accordance wiith the provisions of ihA4. Act

24. If the ' CC.entral Government] is satigftc•d upon an application mado by a District Land Improvement •cheme•. Committee that it is necessary to revoke a scheme or e part thereof or if the I (Central Governmentl is satisfied that a ticheme or a put {hereof is against publiic interest, it may, by nolißcgti(lm revoke i.he for WOId's "Stale by the (Ciuqndiggrh} e-h SIAW ects) 190. Inspecc.joa M ete, N.A.S.Äing c oplB. De[egztion. OÆeeN to nul-"2c aery-ante. 234 LAND -IM.PFOVCMET SCHEME L 1" : Pt. Aci 23 scherne a part Lherr:of, a; the case may be, and upon such revtk2ati0EI the provisions of this Act, except section shall cease to apply such scheme ar a part Lhereofr 25, Documents, plans and rmaps relating ta 8 fil'a]] *pen ror public inspection R! ofljce of every Tahsildar for the area in respect of which a scheme has been p?epared at any tirne during offcc houcs and certified copies thereof may be obtained on payment. OT tha Drescrib«i tee. The f C.entral Government] and, subjaet to •.he the '[Central Governmentl, the Soil Conceervation OITLcer- may, by notification, direct that any power exercisable by it or bim under this Act shall, in relaLiun tn such matters and subject to such conditions, if any. as may be speeißed in the notifica- Lion: be exercisable 81st.} by xueh Officer or authority subordinate to the '[Central Government], the Soi] Conservation. Officer, as the case may be, ag may be in t.he notification. m. the Soil Conservation Omcer, the Enquiry Offtc•er or at)," oLhar evecc•ising any VDI.M?I' or nertotming any function under this Aet. shall be deemed to be a public wilhin the meaning or *ectoin 21 of the Indian Penal Cade

28. No suit! prosecution ot' other .orneepding rroäeeiion of shall 3ic any person to be a public w:1.Li fulth. servant. under scotion in regpec:t. a! anything which is in good faith done ar intended to he done in purgu- ance of this Act or the rules made thereunder. The provislous of this Act shall bein addition ADDLIecdil'JE uf to, and not in derogation of, the Punjab Land Preserver not tian Act, 1900

36. The 'CContraI Government] may, by rule.no!ification and after DI'QVItJUS Allblieation. make rules for earwing out the purpose of this Act. 1963 Pb. Act 285 (2) In partleular: and without prejudice to the generality of the foregoing power, such rules may provide for an or any of the following matters, ne.l:nery (a} the menner in which the draft schome unaer section 5 shall ba prepard and the other matten and particulars which may be eluded therein; (b) the manner in which a scheme *hall be published under sub-section (Z) of section q; (c) the manner in which the expensed incurred in carrying out the works under sub- section (4) of section 14 may be recovered; (d) the form in which the stAtement under section 16 ghan prepared and the manne whfch [he amour:l..s mentioned therein may recovered; (e) the scale of fees for obtaining certified copies of document* plans and maps relating to a and (f) all other matters allowed or rcquirad by this Acl to be prescribed, h*b-secejon Oetiiflad by the Punjeb (Chand-laa.RL Ad.d.pLaEir.n on Lhe and C.om•uneqt 1988.