

PUNJAB THUR AND SEM LANDS (RECLAMATION) ACT, 1963

[1963 : Pb. Act 25 THUR AND SEM LANDS (RECLAMATION) 201 THE THUR AND SEM LANDS (RECLAMATION) ACT, 1963 [PUNJAB Acr 25 OF 1963] ARRANGEMF.vr OF SECVIONS Sections. 3. 4. 5. 6. 9. 10. 11. 12. 13. 15. 16. 17. 18, 19. 20

21. Short title Definitions. Authority (0 enter upon lands, Procedure for declaring reclaimable areas. Power to enter. etc., on lands in reclaimable areas and payment of compensation for damage. Preporaüon of reclamation sch Execution of reclamation schemes. Application for procuring temporary occupation of lands for purposes of reclamation. Temporary occupa:ion to be procured under Land Acquisition Act, 1894. Restoration of land. Liability of owners of land for cost of reclamation. Recovery of cost of reclamation. of occupiers to recover expenses from owners, Riahl of reclamation. Permission to account rent on Increase Power (0 use force etc. Delegation. Certain powers under Central Act 8 of 1873 10 bc excrcised by Director Persons acting under the Act to be public servants. Protection of acts done in good faith- Bar of jurisdiction c.f civil couns. Power to make rules. [1963 : Pb. Act 2S THUR SEM LANDS (RECLAMATION) 203 ITHE PUNJAB THUR AND SEM LANDS (RECLAMATION) ACT, 1963. (PUNJAB ACT No. 25 OF 1963) [Received the assenr ofthc Presidenr of India on rhe 30th Mav, 1963 and firs! publishedforgeneral infonnation in lhc Punjab Government Ga.zene (Extraordinary), Legislative Supplement, Part I of 12th June, 1963.] YIM t 963 2 25 3 Short title The Punjab Thur and Sern Lands (Reclamation) ACI, 1963 _Acr 4 Whether repealed or other- wise affected by legislation Amended by the Haryana Adaptation of Laws (State and Concurrent Subjects) Order, 19682 to provide for the reclamation of lands afTected 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. This Act may be called the Punjab Thur and Sem Lands Short title.(Reclamation) Act, 1963

2. In this Act, unless the context otherwise requires, —(a) "Director" means an officer appointed, by notification, by the State Government to 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 thc State Government to exercise the powers and to perform the functions of a Land Reclarnatjon Officer Dnder this Act in a canal division or a number of canal divisions ; Statement of Objects and Reasons. see Punja b Governmenr Gazette (Exrraordinary), 1962, pag es 1594-95

2. See Haryana GovernmenT Gazette (Extraordinary), dated the 29th October, 1968.Definitions. 204 THUR AND SEM LANDS (RECLAMATION) (1963 : Pb. Act 25 Authority to enter upon lands. Procedure for declaring reclaimable areas. (c) "owner of land" includes thc occupierthereof; (d) "reclaimable area" means any arcanotifiedundersub-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 rulesmade underthis ACI (g) "thurandsem land" means any landaffecteddorrendered for cultivation by accumulation of salinity, alkalinity or waterlogging ; and (h) any other expression used and not defined in this Act shall have lhc same meaning as is assigned IO it in the Northern India Canal and Drainage Act, 1873

3. The Djrectororthel-and Reclamation Officeroranyol.her 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 relcaimable area. 4. (1) TheStateGovernmentmay, by notification,declareit.sintention of notifying any thur and sem land to be a reclaimable area farthe purposes of reclarnat.ion. (2) Any person interested in the land notified undersub- section (I) may, within thirty days from the date of publication of the notification, object to the inclusion of the land or any portion thereofin the reclaimable area. (3) Everyobjection under sub-section (2) shall bemadein writing to the LandReclamation Officcr who shall gi ve to the objector an opportuni ty of being heard and shall, after hearing all such objections, and after making such further enquiry as he may lthink necessary submit lhc case to theDirector, toghether with therecord of thc proceedings held by him and a report containing his recommendations on the objeccüons. (4) The Director shall express his views on thecase and forward it tothe State Government for its decision. 1963 : Pb. Act 25] THUR AND SEM LANDS (RECLAMATION) 205 (5) TheSt2te Government afterconsidering the objections, if any, the report of Land Reclamation Officer and lhc 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 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. (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 sub-soil ; (c) make and set up suitable landmark, level marks and water gauges ; 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 enter into any building or enclosed court or garden attached to dwelling-house (unless with the consent of the occupier thereon without giving to the occupier thereof at least seven days' notice in writing of his intention to do so. The Land Reclamation Officer shall, before the preparation of (2) 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. Power to enter, etc on land reclaimable areas and payment of compensation (or damage) 206 THUR AND SEM LANDS (RECLAMATION) [1963 : Pb. Act 25] Preparation of reclamation schemes. Execution of reclamation schemes. Provided that no such decision shall be made by the Collector without affording an opportunity of being heard to the person concerned. 6. (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 crop rotation ; (c) application 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. (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 time 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 charge for such unauthorised use or wastage of water shall be recovered from him under and in accordance with the provisions of sections 33, 34 and 35 of the Non-Main Indira Canal and Drainage Act, 1973, and the rules made thereunder.

8. 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. (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. (3) 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 that behalf from the Land Reclamation Officer, restore the land to the owner thereof in the manner prescribed. 11. (1) The expenditure incurred by the State Government in carrying out reclamation of any reclaimable area shall be equitably apportioned by the

Director among the several owners onand 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 by 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. Application for procuring temporary occupation of lands for purposes of reclamation. Temporary occupation to be procured under the Land Acquisition Act, 1894. Restoration of land. Liability of owners of land for cost of reclamation. 208 AND SEM LANDS (RECLAMATION) [1963 : Pb. Act 25] Recovery of cost of reclamation. Right of occupiers to recover expenses from owners. Permission to increase rent on account of reclamation. Power to use force etc. Delegation. Certain powers under Central Act 8 of 1873 to be exercised by Director. (4) The Director or an Officer authorized by him in writing shall cause to be served upon the owner of and 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. The cost of reclamation apportioned under section 11 or any portion thereof which remains unpaid after the due date shall be recoverable arrears of land revenue : Provided that the defaulter shall not be liable for arrest nor his land shall be sold

13. 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. 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 reclaimable 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. On representation by the Director or the 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 that Act

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

17. 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 M, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 30A, 30B, 30C, 30D, 30E, 30F, 30G, 32, 33, 34, 35 and 68 of the North Indian Canal and Drainage Act, 1873 and the rules made thereunder, 1963 : Pb. Act 25] THUR AND SEM LANDS (RECLAMATION) 209 18. 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. (1) No suit, prosecution or other legal proceeding shall lie 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. No civil court shall have jurisdiction to entertain or decide any question relating to a matter falling under that Act. 21. (1) The State Government may, by notification and after previous publication, make rules for carrying out the purposes of this Act. In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, Persons acting under the Act as public servants. Protection of acts done in good faith out of jurisdiction or civil courts. Power to make rules. namely (a) (b) (c) (d) (e) (f) (g) the manner in which notifications under section 4 shall be published the manner in which the reclamation scheme shall be published ; the manner in which owners of land shall be informed under section 7(1) about the reclamation scheme the manner in which the land shall be restored under section 10 ; the procedure to be adopted for depositing the amount apportioned under section 11 ; the amount up to which, the manner in which and the conditions subject to which the rent may

be enhanced under .section 14 ; and any other matter which can be or may be prescribed. 210 THUR AND SEM LANDS (RECLAMATION) (1963 : Pb. Act 25 (3) Every rule made under this section shall be laid as soon as may be after it is made before [the Housel ofthe State Lcgislature 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 orthe session in which it is laid or the session immediately following, 2[the House agrees] in making any modification in the rule or2[the House agrees] that the rule should not be made, (he rule shall there afterhave effect only in such modified form o? be of no effect, as the case may be, sohowever, that any such modification or annulment shall be without prejudice to the validity of anything previously done underthe rule. I. Substituted for the words "each House" by lthe Haryana Adaptation of Laws Order, 1968

2. Substituted for the words "both Houses agree" by ibid.

