

## **Central Provinces Reclamation Of Lands (Eradication Of Kans) Act, 1948**

**17 of 1948**

**[09 April 1948]**

### CONTENTS

1. Short Title And Extent
2. Definitions
3. Declaration Of Kans Area
4. Constitution Of Reclamation Committee
5. Power To Survey And Carry On Eradicating Operation
6. Liability Of Owners, Etc., For Cost Of Eradicating Operations
7. Recovery Of Costs
8. Compensation For Damages
9. Power Of Collector To Enforce Compliance
10. Persons Acting Under The Act To Be Public Servants
11. Protection Of Persons Acting In Good Faith
12. Repeal And Savings
13. Power To Make Rules

## **Central Provinces Reclamation Of Lands (Eradication Of Kans) Act, 1948**

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An Act to provide for reclamation of lands by eradication of Kans weed in certain areas. Whereas it is expedient to provide for reclamation of lands by eradication of Kans weed in certain areas of the Central Provinces. It is hereby enacted as follows :-- 1. Received the assent of the Governor on the 9th April, 1948, assent first published in the "Central Provinces and Berar Gazette" (Extra-ordinary) on the 10th April, 1948.

### **1. Short Title And Extent :-**

- (1) This Act may be cited as the Central Provinces Reclamation of Lands (Eradication of Kans) Act, 1948.
- (2) It extends to the whole of the 1[Mahakoshal region excluding

the merged territories.]

Note.-- In its application to the Bhopal region of the State, throughout the Act, for the words "Kans area", wherever they occur, the words "reclamation area" shall be deemed to be substituted.

1. Substituted by M.P. A.O. 1957.

## **2. Definitions :-**

In this Act, unless there is anything repugnant in the subject or context,--

( a ) "eradicating operations" means such operations as are considered necessary by the Reclamation Officer to eradicate Kans from a Kans area;

(b) "Kans" means a kind of weed known as *Saccharum Spontaneum* (hereinafter referred to as Kans);

Clauses (a) and (b) for Bhopal Region only :--

"(a) Eradicating Operations means--

(i) such operations as are considered necessary by the Reclamation Officer for eradication of Kans from reclamation area, or

(ii) such operations for the eradication of Kans as may be performed by the Reclamation Officer in any land at the request of the person having interest in the land, or

(iii) such operations as the Reclamation Officer considers necessary on any land with a view to check the spread of Kans into the adjoining area;

(b) Kans means a kind of weed known as *Saccharum Spontaneum* and includes such bushes and shrubs on any land as hinder the cultivation thereof in a proper and efficient manner."

(c) "Kans area" means the area which the State Government may  
1. Substituted by A.O. 1956. by notification declare under clause (a) of sub-section (1) of Section 3 to be an area infested with Kans;

(d) "Reclamation Officer" means an officer appointed as such by the State Government and includes any other officer authorised by the Reclamation Officer to exercise all or any powers conferred upon him under this Act.

## **3. Declaration Of Kans Area :-**

(1) If the State Government is of opinion that any area is infested with Kans, it may, by notification--

(a) declare such area giving full particulars thereof, to be a Kans

area for the purposes of this Act; and

(b) authorise the Reclamation Officer to enter upon any land in such area and take possession thereof for such period as may be specified for the purpose of eradication of Kans from such area.

(2) Such notification shall be a sufficient notice of the facts stated therein to all persons owning or having interest in the land comprised in such area.

(2) The 1[Collector] of the district comprising the Kans area shall give publicity to the notification issued under sub-section (1) in such manner as he deems fit.

1. Substituted by M.P. A.O. 1957.

#### **4. Constitution Of Reclamation Committee :-**

The State Government for the purpose of assisting the Reclamation Officer appoint a Reclamation Committee consisting of such persons as it may think fit, and assign such duties to the committee as it may deem fit.

#### **5. Power To Survey And Carry On Eradicating Operation :-**

On the issue of a notification under sub-section (1) of Section 3, the Reclamation Officer and his subordinates and workmen authorised by him in this behalf may--

(a) enter upon any land in the Kans area for the purpose of survey and any other ancillary purpose; and

(b) take possession of the whole or any part of the Kans area and carry on eradicating operations therein.

#### **6. Liability Of Owners, Etc., For Cost Of Eradicating Operations :-**

1[Every person owning or having interest in the land, in which eradicating operations have been carried on, shall be liable to pay for such operations costs at such rates and in accordance with such principles as may be prescribed.

(2) The Reclamation Officer shall, in consultation with the Reclamation Committee, fix the amount of cost payable by each owner or other person having interest in the land comprised in the Kans area. The amount so fixed shall be a charge on the land to which it relates and shall not be called in question in any suit or other legal proceeding. Sub-section (2) for Bhopal Region only :--

"(2) The Reclamation Officer shall, in consultation with the

Reclamation Committee, fix the amount of cost payable by each owner or other person having interest in the land comprised in the on which eradicating operations have been carried on. The amount so fixed shall be a charge on the land to which it relates and shall not be called in question in any suit or other legal proceeding."

(3) The Reclamation Officer shall also determine whether the amount so apportioned shall be paid by the person owning or having interest in the land in one lump sum or by annual instalments, and where he directs annual instalments, he may fix the amount and number of such instalments.]

1. Substituted by M.P. Act No. 6 of 1950.

## **7. Recovery Of Costs :-**

(1) The 1[Collector] shall cause to be served on a person owning or having interest in the land in which eradicating operations have been carried on, notice of demand specifying the amount of cost of reclamation payable by him and the period within which it shall be paid.

(2) The said costs shall be recoverable as arrears of land revenue.

1. Substituted by M.P. A.O. 1957.

## **8. Compensation For Damages :-**

(1) Any person may within thirty days from the date of restoration of the land, to him, apply to the Reclamation Committee for payment of compensation for destruction of or damage to any plant or tree in his land as a result of the eradicating operations carried on under Section 5.

(2) On receipt of such application the Reclamation Committee may make such enquiry as it deems fit and if in its opinion the payment of compensation is justified, it may grant such amount of compensation as it deems fit.

(3) The decision of the Reclamation Committee shall be final in all respects and shall not be called in question in any Court of law.

## **9. Power Of Collector To Enforce Compliance :-**

The 1[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.

1. Substituted by M.P. A.O. 1957.

## **10. Persons Acting Under The Act To Be Public Servants :-**

All persons acting in pursuance of the provisions of this Act shall be deemed to be public servants within the meaning of that expression in the Indian Penal Code, 1860 (XLV of 1860).

**11. Protection Of Persons Acting In Good Faith :-**

(1) No suit, prosecution or other legal proceedings 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 shall be instituted against the Government and no prosecution or suit shall be instituted against any person for anything done or intended to be done under this Act.

**12. Repeal And Savings :-**

(1) The Central Provinces Reclamation of Lands (Eradication of Kans) Ordinance, 1948 (III of 1948), is hereby repealed.

(2) Any notification issued, appointment, authorization or enquiry made, duty assigned, notice served or any action taken under the said Ordinance shall, if not inconsistent with the provisions of this Act, be deemed to have been issued, made, assigned, served or taken under this Act.

**13. Power To Make Rules :-**

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

(2) Without prejudice to the generality of the foregoing powers, such rules may provide for the assessment of damage to embankments and field boundaries and payment of compensation therefor.