

## **Punjab Land Improvement Scheme Act, 1963**

**23 of 1963**

**[18 May 1963]**

### CONTENTS

#### **CHAPTER 1 :- PRELIMINARY**

1. Short Title
2. Definition

#### **CHAPTER 2 :-NOTIFICATION OF AREAS, CONSTITUTION OF DISTRICT LAND IMPROVEMENT COMMITTEE AND MAKING OF LAND IMPROVEMENT SCHEME**

3. Notification Of Areas
4. Constitution, Etc. Of District Land Improvement Committees
5. Functions Of District Land Improvement Committees
6. Power To Enter Upon Land To Do Certain Acts
7. Approval And Publication Of Schemes
8. Objection Of Schemes
9. Enquiry Into Objection And Report
10. Sanctioning Of Final Scheme
11. Publication Of Final Scheme
12. Power Of District Land Improvement Committees To Make Regulations

#### **CHAPTER 3 :- EXECUTION OF SCHEMES**

13. Soil Conservation Officer To Execute The Scheme
- 13A. Special Provision For Financing Of Schemes By Banks
- 13AA. Special Provision For Financing Of Schemes By Banks
14. Power To Carry Out Works Under The Schemes
15. Power To State Government To Carry Out Schemes

#### **CHAPTER 4 :-MAINTENANCE, REPAIR AND USE OF WORKS CARRIED OUT UNDER SCHEMES**

16. Preparation Of Statement
17. Obligation Of Persons To Maintain And Repair Works
18. Decision Of Disputes Relating To Works
19. Amounts To Be Recovered
- 19A. Entries Of Mortgages With The Banks In The Record Of Rights

## **CHAPTER 5 :- MISCELLANEOUS**

20. Penalty

21. Inquiries To Be Held Summarily

22. Permission To Increase Rent On Account Of Improvement Effected

23. Registration Of Documents Plans Or Maps In Connection With Schemes Not Required

24. Power To Revoke Schemes

25. Inspection Of Documents Etc. And Obtaining Of Copies

26. Delegation

27. Certain Officer To Be Public Servants

28. Protection Of Acts Done In Good Faith

29. Application Of Punjab Act 2 Of 1990 Not Barred

30. Power To Make Rules

### **Punjab Land Improvement Scheme Act, 1963**

**23 of 1963**

**[18 May 1963]**

An act to provide for the making and execution of the land improvement schemes including schemes, for soil conservation, implement of soil resources prevention of mitigation of soil erosion. Protection of land against damage by floods or drought, from drainage or other works Incidental to or connection with such purposes, Legislative amendments.--Adapted by adaptation of Punjab Laws Orders, 1970--Amended by Punjab Act 14 of 1977.--Amended by Punjab Act 29 of 1981. Be it enacted by the Legislative.

#### CHAPTER 1

#### PRELIMINARY

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

This Act may be called the Punjab Land Improvement Schemes, 1963.

#### **2. Definition :-**

In this Act, unless the context otherwise requires-

(a) Chief Conservator means the officer appointed for the time being to be the Chief Conservator of Soils and includes any other officer empowered by the State Government by notification to perform the functions of the Chief Conservator under this Act and rules made there under.

- (aa) Bank means Mortgage Bank as defined in clause (d) of the Punjab Co-operative Land Mortgage Banks Act. 1957.
- (aaa) (Deputy Commissioner means the officer appointed for the time being to be the Deputy Commissioner of a District and includes any of her officer authorized by the State Government under this act and the rules made there under
- (b) [---]
- (c) "District Land improvement Committee" means a Committee constituted under Section 4;
- (d) "erosion" means the removal or displacement of earth, stones or other materials by the action of wind or water;
- (e) "Enquiry Officer", means an officer of the State Government appointed by a District Land Improvement Committee under sub-section (3) of section 7;
- (f) "Landowner" has the same meaning as is assigned to it in the Punjab Land Revenue Act, 1987;
- (g) "notified area" means any area declared to be a notified area under section 3;
- (h) "prescribed" means prescribed by rule made under this Act;
- (i) "reclamation", in relation to land, includes making land fit for cultivation or making any other improvement of land;
- (j) "Scheme" means a Land Improvement scheme made under this Act;
- (k) "Soil Conservation Officer" means a Divisional Soil Conservation Officer or an Assistant Soil Conservation Officer appointed by the State Government in respect of a specified area to perform the function of the Soil Conservation Officer under this Act and the rule made thereunder;
- (l) "wasteland" means any land rendered unfit for cultivation on account of accumulation of sand, growth of weeds, soil erosion or any other cause notified by the State Government;
- (m) "work" means any work of public utility constructed, erected or carried out under a scheme,

## CHAPTER 2

### NOTIFICATION OF AREAS, CONSTITUTION OF DISTRICT LAND IMPROVEMENT COMMITTEE AND MAKING OF LAND IMPROVEMENT SCHEME

### **3. Notification Of Areas :-**

Whenever it appears to the State Government that in any area comprising the whole or part of a district it is necessary to provide for the making and execution of land improvement schemes

including schemes for soil Conservation improvement of soil resources, prevention or mitigation of soil erosion, protection of land against damage by floods or drought farm drainage or other works incidental to, or connected with, such purpose the State Government may, by notification declare such area to be a notified area for the purposes of this Act.

#### **4. Constitution, Etc. Of District Land Improvement Committees :-**

(1) In every district, the whole or part of which is declared to be a notified area , committee there shall be a committee to be called the District Land Improvement consisting of the Deputy Commissioner, District Agricultural Officer, Soil Conservation Officer, Divisional Forest Officer, Chairman of the Zila Parishad and Chairman of Panchayat Samiti or Panchayat Samitis of the Blocks which wholly or partly fall within the whole or part of the notified area;

[Provided there where more than one Soil Conservation Officers are posted in a district, the Soil Conservation Officer nominated by the Chief Conservator shall be a member of the District Land Improvement Committee]

(1) The Deputy Commissioner shall be Chairman of the District Land Improvement Committee and the Soil Conservation Officer shall be Secretary thereof.

(2) Three member shall form the quorum for a meeting of the District Land Improvement Committee

(3) All question before the District Land Improvement Committee shall be decided according to the opinion of the majority of the members present and voting. In case of equality of votes, the Chairman shall have a second or casting vote.

#### **5. Functions Of District Land Improvement Committees :-**

( 1 ) A District Land Improvement Committee may direct the preparation of a Land Improvement Scheme for the whole or a part of the notified are within the district, which may provide for all or any of the following matters;-

- (i) prevention of erosion of soil;
- (ii) preservation and improvement of soil;
- (iii) reclamation of waste land;
- (iv) improvement in the methods of cultivation including dry farming practices and extension of cultivation;

- (v) construction of earth and masonry works in fields, gullies and ravines;
  - (vi) training of streams;
  - (vii) planting and preservation of trees, shrubs and grass on uncultivable land or providing shelter-belts against wind or sand movement;
  - (viii) regulation of prohibition of firing of vegetation;
  - (ix) improvement of water-supply;
  - (x) farm drainage and other works incidental to, or connected with any of the aforesaid purposes;
  - (xi) any other matter which may be prescribed.
- (2) On direction being issued under sub-section (1) the Soil Conservation Officer shall prepare in the prescribed manner a [draft scheme in the Punjab Language] which amongst other things shall contain the following particulars;
- (i) Object of the scheme;
  - (ii) The boundaries and approximate areas of the land to be included in the scheme;
  - (iii) The persons, including the Government, who will be affected by the scheme;
  - (iv) The works to be carried out under the scheme;
  - (v) The agency through which the works shall be carried out; and
  - (vi) Such other particulars as may be considered necessary.

## **6. Power To Enter Upon Land To Do Certain Acts :-**

The Soil Conservation Officer or any other person authorized in writing by the District Land Improvement Committee or the Soil Conservation Officer may enter upon any land in a notified area for the purpose of survey and preparation of a scheme and do all acts necessary for such purpose and in particular. May---

- (a) dig or bore into the sub-soil ; or
- (b) take levels and mark boundaries; or
- (c) place, erect or fix any peg or mark; or
- (d) do all other acts necessary for such purpose.

## **7. Approval And Publication Of Schemes :-**

(1) The Soil Conservation Officer shall prepare the draft scheme as required by sub-section [2] of section 5 and shall submit the same to the District Land Improvement Committee. Which may either approve the draft scheme with or without modification or reject it and prepare or cause to be prepared another draft scheme.

(1) After the draft scheme is approved the District Land Improvement Committee, it shall be published in [----] the official Gazette and also in the prescribed manner in every village and at the head quarters of the tahsil and district in which the land included in the scheme are situated and a copy thereof shall be affixed in the office of the Panchayat, Panchayat Samiti and Zila Parishad concerned.

(2) As soon as the draft scheme is approved, the District Land Improvement Committee shall, appoint a person to be an Enquiry Officer.

### **8. Objection Of Schemes :-**

The District Land Improvement Committee shall simultaneously with the publication of the draft scheme in the official Gazette require all persons affected by the scheme to make, within thirty days of such publication, any objection to the scheme or part thereof to the Enquiry Officer either in writing or by appearing personally before him.

### **9. Enquiry Into Objection And Report :-**

The Enquiry Officer shall inquire into the objection received by him and submit them to the District Land Improvement Committee together with his report and recommendations thereon.

### **10. Sanctioning Of Final Scheme :-**

After considering the objections and the report and recommendations of the Enquiry Officer thereon and any further report which the District Land Improvement Committee may require from him, the District Land Improvement Committee may sanction the scheme with or without modification or reject it;

Provided that the District Land Improvement Committee shall not sanction the scheme if the majority of the owners of the land included in the scheme other than the Government or the owners, other than the Government owning in the aggregate more than fifty per centum of the land included in the scheme have objected to the making of the scheme.

### **11. Publication Of Final Scheme :-**

The scheme as sanctioned under section 10 shall be published in the same manner as is provided in sub-section (2) of section 7 and

on such publication shall be deemed to be final and shall come into force from the date of such publication in the officer Gazette.

## **12. Power Of District Land Improvement Committees To Make Regulations :-**

For the purpose of carrying out a scheme which has come into force under section 11, the District land Improvement Committee may, with the prior approval of the State Government, make regulation 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 3**

#### **EXECUTION OF SCHEMES**

## **13. Soil Conservation Officer To Execute The Scheme :-**

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

## **13A. Special Provision For Financing Of Schemes By Banks :-**

(1) When the Department is of the opinion that a scheme which has come into force under section 11 may, for the purposes of execution, be financed by the bank, the Department shall send a copy of the same to the Bank alongwith the following particulars

(i) a map indicating the works to be carried out, the estimated cost of each work and the total estimated cost of the scheme;

(ii) economic and technical viability of the scheme including cost benefit ratio;

(iii) a certificate from an officer of the Department in the prescribed form to the effect that the lands to be benefited form and included in the scheme are sufficient security for the purpose of recovering the cost of the scheme and the interest thereon;

(iv) the names of the landowners, khasra numbers of the land included in the scheme along with the area of each landowner and the classification thereof, whether irrigated, un-irrigated or banjar;

(v) the estimated rate of recovery of cost per hectare; and

(vi) the estimated amount to be recovered from each landowner, the rate of interest, the period within which such amount is recoverable and the number of installments of recovery.

(2) On receipt of a copy of scheme alongwith the particulars mentioned in sub section (1) the Bank may, after following such procedure as may be prescribed sanction the financing of the scheme and intimate the Department accordingly.

(3) In every case in which financing of a scheme is sanctioned the Department shall issue a notification in the prescribed form to the effect that the Bank is prepared to finance the scheme and those landowners who do not want to avail of the facility of financing by the Bank may deposit the amount of estimated cost filling to their respective shares with the Department within one month of the date of issue of the notification.

(4) After the expiry of the period of one month of the issue of the notification under subsection(3), the Department shall intimate to the Bank the estimated amount which is to be financed by it for executing the scheme and calculating the same, the amount, if any, deposited by the landowners under sub-section(3) shall be excluded.

(5) The Bank shall advance the amount calculated under sub-section (4) to the Department in such number of installments as the circumstances of each case may require;

Provided that the advance shall be made in such a manner that execution of the scheme is not withheld or delayed unnecessarily.

(6) If during execution of any scheme the Soil Conservation Officer is of the opinion that the scheme cannot be completed with the amount intimated to the Bank under sub-section (4), he shall send a revised estimate to the bank which may sanction an additional amount so as to cover the difference and when such sanction is given the provisions of the preceding sub-section shall mutatis mutandis apply.

(7) After the completion of the scheme, any amount advanced by the Bank which remains unutilized shall be repaid to the Bank as advance recovery and any amount which remains so unutilized out of the amount received from the landowners under sub-section(3) shall not apply.

### **13AA. Special Provision For Financing Of Schemes By Banks**

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#### **1. Validity of Section 13A:**

Section 13A as brought on the statute book by Act 14 of 1977 does not violate article 14 of the Constitution of India. It cannot be challenged on the ground that the Act confers arbitrary powers. It may further be mentioned that the section does not violate articles 14, 19 or 31 of the constitution of India. 1971PLJ100.

#### **2. Brick Lining:**

The order pertaining to brick lining of water work is not ultra vires. Right holders can be asked to pay before the actual work starts. 1981 PLJ 100.

### **14. Power To Carry Out Works Under The Schemes :-**

(1) Every landowner affected by a scheme shall, unless he himself carries out the works appointed to him, be liable to pay the cost with interest 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 under Section 11

(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 fix 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 expresses 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. Power To State Government To Carry Out Schemes :-**

Notwithstanding anything contained in section 14, the State Government may, in the case of any under the scheme may, in public interest, be carried out by the State 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 4**

#### **MAINTENANCE, REPAIR AND USE OF WORKS CARRIED OUT UNDER SCHEMES**

#### **16. Preparation Of Statement :-**

(1) The Soil Conservation Officer shall on the completion of the works under a scheme, prepare a statement in the prescribed form giving the following particulars, namely:

- (i) name of the landowners; including the Government and Khasra number of the land included in the scheme;
- (ii) the works carried out under the scheme together with a map thereof;
- (iii) the total cost of such works;
- (iv) the rate of recovery of cost per acre;
- (v) the amount to be recovered from the landowner, the period within which such amount is recoverable and the number of installment of recovery;
- (vi) the works which in the opinion of the Soil Conservation Officer, should be maintained and repaired by landowner individually or jointly and the name of such landowners; and
- (vii) such other matter 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 a 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 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. Obligation Of Persons To Maintain And Repair Works :-**

(1) Every person shown in the statement prepared under section 16 as liable to maintain and repair works shall maintain it 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) is 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) The Soil Conservation Officer shall, as soon as practicable, report to the State Government regarding such repairs.

### **18. Decision Of Disputes Relating To Works :-**

Any dispute as to the execution of works under 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 Chief Conservator or any officer nominated by him not below the rank of Conservator of Soils] whose decision shall be final.

### **19. Amounts To Be Recovered :-**

All amounts payable to or recoverable by the State Government or the Soil Conservation Officer under this Act may be recovered as if they were arrears of land revenue.

### **19A. Entries Of Mortgages With The Banks In The Record Of Rights :-**

Where the Bank finances any scheme under section 13A, brief particulars of the mortgage created under section 11B of the Punjab Co-operative Land Mortgage Banks Act, 1957, shall be entered in the prescribed manner in the record of rights and where there is no record of rights, in such revenue record as may be prescribed.]

**20. Penalty :-**

Any person who does any act which causes damage to any of the works carried or maintained under any scheme which has come into force under section 11, shall, on conviction, be punishable with fine which may extend to five hundred rupees.

**21. Inquiries To Be Held Summarily :-**

(1) Any Officer or authority empowered under this Act make and inquiry shall make the inquiry in the manner provided for holding a summary inquiry under the Punjab Land Revenue Act 1887, and all the provisions contained in that Act, relating to the holding of summary inquiry, shall apply to any inquiry make under this Act.

(2) Such Officer or authority shall have the same powers for summoning and enforcing the attendance of any person and examining on oath and compelling the production of documents as are vested in the Revenue Officers under the Punjab Land Revenue Act, 1887.

**22. Permission To Increase Rent On Account Of Improvement Effected :-**

Notwithstanding anything contained in any other law for the time being in force, it shall be lawful for a landowner, whose land is included in a scheme to enhance the rent payable by a tenant of such land by such amount, in such manner and subject to such conditions as may be prescribed.

**23. Registration Of Documents Plans Or Maps In Connection With Schemes Not Required :-**

(1) Nothing in the Indian Registration Act 1908, be deemed to be require the registration of any document, plan or map prepared made or sanctioned in connection with a scheme which has come into force under section 11.

(2) All such documents, plans and maps shall, for the purposes of sections 48 and 49 of the Indian Registration Act, 1908, be deemed to be registered in accordance with the provisions of that Act.

**24. Power To Revoke Schemes :-**

If the State Government is satisfied upon an application made by a District Land Improvement Committee that it is necessary to revoke a scheme or a part thereof or if the State Government is satisfied that a scheme or a part thereof is against public interest, it may, by notification, revoke the scheme or a part thereof, as the case may be, and upon such revocation, the provision of this Act, except section 19, shall cease to apply to such scheme or a part thereof.

#### **25. Inspection Of Documents Etc. And Obtaining Of Copies :-**

Documents, plans and maps relating to a scheme shall be open for public inspection at the office of [every Divisional Soil Conservation Officer] for the area in respect of which a scheme has been prepared at any time during office hours and certified copies thereof may be obtained on payment of the prescribed fee.

#### **26. Delegation :-**

The State Government, and subject to the control of the State Government, the Soil Conservation Officer, may, by notification, direct that any power exercisable by it or him under this Act shall in relation to such matters and subject to such conditions, if any, as may be specified in the notification, be exercisable also by such officer or authority subordinate to the State Government or Soil Conservation Officer as the case may be, as may be specified in the notification.

#### **27. Certain Officer To Be Public Servants :-**

The Soil Conservation Officer, the Enquiry Officer or any other Officer, exercising any power or performing any function under this Act, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

#### **28. Protection Of Acts Done In Good Faith :-**

No suit, prosecution or other legal proceeding shall lie against any person deemed to be a public servant under section 27 in respect of any thing which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

#### **29. Application Of Punjab Act 2 Of 1990 Not Barred :-**

The provisions of this Act shall be in addition to, and not in derogation of, the Punjab Land Preservation Act, 1990

### **30. Power To Make Rules :-**

(1) The State Government, may be notification and after previous publication, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the forgoing power, such rules may provide for all or any of the following matter, namely:

(a) the manner in which the draft scheme under section 5 shall be prepared and the other matter and particulars which may be included therein;

(b) the manner in which a scheme shall be published under sub-works under sub-section (2) of section 7;

(c) the manner in which the expenses incurred in carrying out the works under sub-section (4) of section 14 may be recovered; the manner in which the expenses incurred in carrying out the works under sub-section (4) the scale of fees for obtaining certified copies of documents, plans and maps relating to a scheme; and

(d) all other matters allowed or required by this Act to prescribed.

(3) Every rule made under this section shall be laid as soon as may be after it is made before [--] the State Legislature while it is in session for a total period of ten days which may be comprised in one sessions or in two successive sessions, and if before the expiry of the session in which it is laid or the session immediately following [the Legislature] agree that the rule should not be made, the rule shall thereafter, have effect only in such modified form or be of no effect, as the case may, so, however, that nay such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.