



The Himachal Pradesh Tractor Cultivation (Recovery of Charges) Act, 1973

Act 16 of 1973

Keyword(s):

Cultivator, Director, Tractor, Tractor Cultivation, Tractor Cultivation Charges

Amendment appended: 34 of 1978

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(RECOVERY OF CHARGES) ACT, 1973

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THE HIMACHAL PRADESH TRACTOR CULTIVATION (RECOVERY OF CHARGES) ACT, 1973 105

(Act No. 16 of 1973)¹

[Received the assent of the Governor on the 9th June, 1973 and was published in R.H.P. Extra., dated the 4th July, 1973 at p. 1162—1164].

An Act to provide for the cultivation of certain areas by means of tractors by the Department of Agriculture, Himachal Pradesh, and for the recovery of charges in respect of such cultivation.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-fourth Year of the Republic of India as follows :—

PART I
PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Himachal Pradesh Tractor Cultivation (Recovery of Charges) Act, 1973.

(2) It extends to the whole of Himachal Pradesh.

(3) It shall come into force at once.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

(a) “cultivator” means a person who actually cultivates the soil himself or through members of his household, or gets it cultivated by hired labour ;

(b) “Director” means the Director of Agriculture, Himachal Pradesh ;

(c) “prescribed” means prescribed by rules made under this Act ;

(d) “tractor” means a tractor owned by or worked under the control of the Department of Agriculture, Himachal Pradesh ;

(e) “tractor cultivation” includes any agricultural operation such as ploughing, harrowing, discing, sowing or harvesting which may be performed by tractors ;

(f) “tractor cultivation charges” means the charges recoverable on account of tractor cultivation.

PART II
TRACTOR CULTIVATION

3. Application for tractor cultivation.— (1) Any cultivator may make an application in writing in prescribed form to the Director for having any

1. For Statement of Objects and Reasons, see R.H.P. Extra., dated 6th January, 1973, p. 9.

agricultural operation performed by tractors on his land or any part of it.

(2) Such application shall be accompanied by a deposit, made in the prescribed manner, of full tractor cultivation charges, according to the prescribed scale :

Provided that in exceptional cases, Director may require only such part as he may specify of the full cultivation charges to be deposited with the application.

4. Procedure in dealing with applications.—(1) If the Director accepts an application made under section 3 he shall take all steps necessary in connection therewith.

(2) In case such application is rejected, any deposit made with the application shall be refunded forthwith.

5. Notice of demand.—As soon as may be after the tractor cultivation has been completed, and the amount has fallen due, the Director shall, in respect of such cultivation serve on the cultivator a notice of demand specifying the amount due from him after taking into account the deposit, if any, made by him.

6. Period within which payment is to be made.—A cultivator, whose land has been brought under tractor cultivation on his application, shall within one month of the date of the receipt of notice of demand under section 5 pay in the prescribed manner the sums specified in such notice.

7. Recovery of outstanding dues as arrears of land revenue.—If any cultivator fails to make payment as specified in section 6, the sum due from him shall be recoverable as arrears of land revenue.

PART III

GENERAL

8. Power to make rules.—(1) The State Government may from time to time by notification make rules¹ for the purposes of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the State Government may make rules regulating or determining all or any of the following matters:—

(a) the mode of making a deposit under sub-section (2) of section 3;

1. Rules framed,—*vide* Not. No. 6-3/73-Agr. Sectt., dated the 27th December 1973, appended.

(b) the scale of tractor cultivation charges ; and

(c) the manner of making payment under section 6.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of not less than fourteen days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid or the sessions aforesaid, the Assembly makes any modification in the rule or decides 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 be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

9. Repeal and savings.—The East Punjab Tractor Cultivation (Recovery of Charges) Act, 1949 (11 of 1949), as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 (31 of 1966), is hereby repealed :

Provided that anything done or any action taken under the said Act shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act.

THE HIMACHAL PRADESH TRACTOR CULTIVATION (RECOVERY OF CHARGES) (AMENDMENT) ACT, 1978

ARRANGEMENT OF SECTIONS

Sections :

1. Short title and commencement.
2. Amendment of section 2.

THE HIMACHAL PRADESH TRACTOR CULTIVATION (RECOVERY OF CHARGES) (AMENDMENT) ACT, 1978

(Act No. 34 of 1978)¹

(Received the assent of the Governor, Himachal Pradesh on the 9th October, 1978 and was published in R.H.P. Extraordinary, dated the 19th October, 1978, P. 1901).

An Act to amend the Himachal Pradesh Tractor Cultivation (Recovery of Charges) Act, 1973 (Act No. 16 of 1973).

It is hereby enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-ninth Year of the Republic of India, as follows:—

1. Short title and commencement.—(1) This Act may be called the Himachal Pradesh Tractor Cultivation (Recovery of Charges) (Amendment) Act, 1978.

(2) It shall come into force at once.

2. Amendment of section 2.—For existing clause (b) of section 2 of the Himachal Pradesh Tractor Cultivation (Recovery of Charges) Act, 1973 (16 of 1973), the following clause (b) shall be substituted, namely:—

“(b) “Director” means the Director of Agriculture, Himachal Pradesh and includes any other officer so empowered by the State Government in this behalf.”

NOTIFICATIONS AND RULES

UNDER

THE HIMACHAL PRADESH TRACTOR CULTIVATION (RECOVERY OF CHARGES) ACT, 1973

**GOVERNMENT OF HIMACHAL PRADESH
AGRICULTURE DEPARTMENT**

APPOINTMENTS AND DELEGATIONS

NOTIFICATIONS

Shimla-171 002, the 13th March, 1979

No. Agri. D (6) 1/77.—In exercise of the powers vested in him under section 2 (b) of the Himachal Pradesh Tractor Cultivation (Recovery of Charges) Act, 1973 (Act No. 16 of 1973), the Governor, Himachal Pradesh is pleased to vest the powers of the Director of Agriculture, Himachal Pradesh, in all the Deputy Directors of Agriculture and the Project Officers in the Department of Agriculture for the purposes of the Act *ibid* in their respective jurisdictions with immediate effect.

(R.H.P. dated, 19-5-1979 p. 350)

1. For Statement of Objects and Reasons, see R.H.P. Extra., dated, 16-9-1978, p. 1238.