



The Punjab Acreage Rates Act, 1952

Act 2 of 1953

Keyword(s):

Acreage Rate, Canal, Cost of an Irrigation Scheme, Irrigation Scheme, Landowner, Land, Canal Officer, Landowner

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1THE PUNJAB 2[* * *] ACREAGE RATES
ACT, 1952

PUNJAB ACT NO. 2 OF 1953

[Received the assent of the Governor of Punjab on the 5th January, 1953 and was first published in the Punjab Government Gazette (Extraordinary) of the 21st January, 1953].

1	2	3	4
Year	No.	Short title	Whether affected by legislation
1953	2	The Punjab Acreage Rates Act, 1952	Extended to Pepsu Territory and amended by Punjab Act 12 of 1958 with effect from 15th November, 1958 ^a Amended by Punjab Act 7 of 1959 ^a Amended by Punjab Act 34 of 1963 ^b Amended by Punjab Adaptation of Laws (State and Concurrent Subjects) Order, 1968 Amended by Punjab Act 20 of 1973 ^c

An Act to provide for the levy of 2[* * * *] acreage rates on certain lands in the State of Punjab.

It is hereby enacted as follows:-

1. (1) This Act may be called the Punjab 2[* * *] Acreage Rates Act, 1952.

7[(2) It extends to the whole of the State of Punjab.]

(3) It shall come into force at once.

Short title, extent and commencement.

1. For Statement of Objects and Reasons. see *Punjab Government Gazette*, (Extraordinary), dated 25th October, 1952, pages 1208-1209; for report of the Joint Select Committee, see *Punjab Government Gazette* dated 28th November, 1952, Part V, pages 138-146, for proceedings in the Assembly, see *Punjab Legislative Assembly Debates*, 1952.

2. Omitted by Punjab Act 20 of 1973.

3. For Statement of Objects and Reasons- see *Punjab Government Gazette* (Extraordinary) 1958, page 453

4. For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary) 1959, page 177

5. For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary) 1963, page 1159

6. For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1973, page 184.

7. Substituted by Punjab Adaptation of Laws State and Concurrent Subjects) Order, 1968, which was substituted by Punjab Act 12 of 1958

Definitions.

2. In this Act, unless the context otherwise requires:—

(a) “acreage rates” means the charges levied under section 6 on lands included in an irrigation scheme;

[(b) * * *]

(c) “canal” includes—

(i) all parts of a river, stream, lake or a natural collection of water or natural drainage channel to which the provisions of Part II of the Northern India Canal and Drainage Act, 1873 (VIII of 1873), apply;

VIII of
1873

(ii) all canals, channels, reservoirs, wells, tubewells and lift irrigation arrangements constructed, maintained or controlled by the Government for the supply or storage of water;

(iii) all works, embankments, structures, supply and escape channels connected with such canals, channels, reservoirs, wells, tubewells or lift irrigation arrangements;

(iv) all watercourses, that is to say, all channels which are supplied with water from a canal but which are not maintained at the cost of the Government, and all subsidiary works belonging to any such channels;

(d) “cost of an irrigation scheme” means the total financial liability accruing from the loan contracted or the investment made, the interest thereon, the cost of maintenance and operation of the scheme or of any extension thereof or of an extension as a result thereof, with reference to the period during which the said liability has to be discharged;

- (e) "Government" means the Government of the State of Punjab;
- (f) "irrigation scheme" means any such scheme as is referred to in section 3;
- (g) "landowner" has the meaning assigned to it in the Punjab Land Revenue Act, 1887 (XVII of 1887) ¹[and includes Government];
- (h) "prescribed" means prescribed by rules made under this Act;
- (i) the expressions "land", "tenant" and "occupancy tenant" have the meanings respectively assigned to them in the Punjab Tenancy Act 1887 (XVI of 1887);
- (j) the expressions "Canal Officer" and "Divisional Canal Officer" have the meanings respectively assigned to them in the Northern India Canal and Drainage Act, 1873 (VIII of 1873).

XVII of 1887.

XVI of 1887

VIII of 1873

²[(jj) * * * *]

³[3. * * * *]

⁴[4. * * * *]

⁵[5. * * * *]

1. *Added* and shall be deemed always to have been added by Punjab Act 34 of 1963, section 2.

2. Clause (jj) omitted by Punjab Act 20 of 1973, section 4.

3. Section 3 omitted by *ibid.*

4. Section 4 omitted by Punjab Act 20 of 1973, section 5.

5. Section 5 omitted by Punjab Act 20 of 1973, section 5.

[5A. * * *]

Levy of acreage rates.

6. (1) Where in respect of any lands included in an irrigation scheme expenditure has been, or is likely to be, incurred by the Government in the execution of any one or more of the following works or in undertaking any one or more of the following measures, namely:—

- (a) rectangulation, sub-rectangulation or Killa-bandi (that is to say, sub-division of land into one-acre fields),
- (b) level, topographical or soil surveys,
- (c) construction of watercourses,
- (d) construction of village roads and works appertaining thereto,

the Government may, for the purpose of recouping or meeting such expenditure, cause a schedule of acreage rates to be prepared showing the rates at which they shall be leviable on the lands, and the manner in which and the persons by whom they shall be payable.

1. Section 5A omitted by Punjab Act 20 of 1973, section 5.

Section 15 of Punjab Act 20 of 1973 reads as follows :—

15. Notwithstanding any thing contained in this Act, or the omission of section 3, 4, 5 and 5-A of the principle Act any amount which has been paid or which has become payable under section 5-A of the principal Act, as it existed immediately before the commencement of this Act, till such commencement, shall for all purposes be deemed to have been paid or become payable as if the same was the amount of betterment charges levied under the principal Act and accordingly :—

- (a) no person shall be entitled to claim refund of any amount paid by or realised from him before the commencement of this Act and the amount which became payable till such commencement but has not been paid may be realised from the person liable to pay the same, in the same manner in which it could be realised before the commencement of this Act, as if the same was the amount of betterment charges levied in accordance with law
- (b) no suit or other proceedings shall be maintained or continued in any court against the Government or any authority whatsoever for the refund of such charges or in relation to the liability to pay them, as the case may be, and
- (c) no court shall enforce any decree or order directing the refund of these charges

(2) A draft of the schedule prepared under sub-section (1) shall be published in the official Gazette, a copy of which shall be posted at some conspicuous place in the area affected and in such other manner as may be prescribed.

(3) Any landowner or occupancy tenant who may be affected by the proposed acreage rates may, within sixty days from the date of the publication of the schedule in the official Gazette, present a petition in writing to the Government stating his objections, if any, to the levy of the acreage rates or the incidence thereof.

(4) After considering the objections and after making such further inquiry into the matter as the Government may think fit, the Government shall determine the final schedule of acreage rates and cause the same to be published in the official Gazette and in such other manner as may be prescribed.

1[7. The acreage rates leviable under the final schedules as published under sub-section (4) of section 6 shall be final and no court shall call in question the schedules so published or the rates of such charges].

Finality of
schedule of
acreage rates.

8. (1) When the schedule of 2[* * *] acreage rates has been published in the official Gazette under 4[* * *] sub-section (4) of section 6, the Canal Officer shall prepare a demand statement in respect thereof in such form as may be prescribed containing full particulars of the amount which each landowner or occupancy tenant shall be liable to pay and cause a notice of demand to be served on him.

Demand of
3 (x x x)
acreage rates.

1. Substituted section 7 by Punjab Act 20 of 1973, section 6.

2. Omitted by *ibid.*

3. Omitted by *ibid.*

4. Omitted by *ibid.*

(2) Any landowner or occupancy tenant may within such period as may be prescribed from the date of the notice of demand, present a petition to the Divisional Canal Officer or the Deputy Collector objecting to the demand or any part thereof, and the petition shall be disposed of in such manner and orders passed thereon shall be subject to such appeals as may be prescribed.

(3) Any amount due under a notice of demand shall, subject to any orders that may be passed on appeal under sub-section (2), be payable within such time as may be prescribed.

¹[9. The acreage rates may be paid in one or more instalments as may be prescribed:

Mode of recovery of acreage rates.

Provided that where the acreage rates are paid in instalments interest shall be payable in respect of such instalments at such rates as may be prescribed and such interest shall be recovered in the same manner as the acreage rates.

²[9-A. * * * *]

Postponement of recovery of ⁴(x x x) acreage rates in certain cases.

¹⁰. Where there has been a failure of crops in any area, the Government may, notwithstanding anything to the contrary contained in this Act or the rules made thereunder, postpone for such period as it thinks fit the recovery of any ³[acreage rates] whether wholly or in part.

Apportionment of ⁵(x x x x) acreage rates.

¹¹. ⁶[The acreage rates] shall be recoverable from the landowner and occupancy tenant concerned in such proportions as may be prescribed :

1. substituted section 19 by Punjab Act 20 of 1973, section 6
2. Section 9A omitted by Punjab Act 20 of 1973, section 9.
3. Omitted by *ibid.*
4. substituted for the word "such charges or rates" by *ibid.*
5. Omitted by *ibid.*
6. substituted by *ibid.*

Provided that in making any such apportionment between the land owner and the occupancy tenants of the same land due regard shall be had to the prevailing practice in respect of the division of produce or capital values between such person in respect of that land:

Provided further that where there are more land-owners than one they shall be jointly and severally liable for the portion recoverable from the landowner, and similarly where there are more occupancy tenants than one they shall be jointly and severally liable for the portion recoverable from the occupancy tenants.

12. Any sums lawfully due under this Act by way of acreage rates shall take priority over all other charges payable in respect of the land except land revenue and shall be deemed to that extent to be a charge on the land and shall be recoverable as an arrear of land revenue.

Acreage rates be charged on lands.

13. The acreage rates payable under this Act in respect of any land shall not affect any other rates or charges leviable under any other law for the time being in force.]

Acreage rates not to affect any other charges leviable.

14. No civil court shall have jurisdiction in respect of any matter relating to anything done or to be done under this Act.

Bar to jurisdiction of civil courts.

15. No claim shall lie against the Government for compensation or for the refund of 2[* * * *] acreage rates on account of loss occasioned by the failure or stoppage of water in a canal or by any cause beyond the control of the Government or by any repairs, alterations or additions made to the canal by the Divisional Canal Officer or by any measures taken by him for regulating the proper flow of water therein or for maintaining the established course of irrigation in cases where the Divisional Canal Officer considers such action to be necessary.

Indemnity from proceedings.

16. No suit, prosecution or other legal proceeding shall lie against any person in respect of anything done

Indemnity.

1. Sections 12 and 13 substituted by Punjab Act 20 of 1973, section 12.
2. The words "betterment charges or" omitted by *ibid.*

or intended to be done in good faith under this Act or the rules made thereunder.

Powers of Canal and Revenue Officers to summon persons.

17. (1) The Divisional Canal Officer, Canal Collector, Deputy Collector or a Revenue Officer of the rank of a Deputy Commissioner or Assistant Collector may summon any person whose attendance he considers necessary for the purpose of any business before him under this Act.

(2) Any person so summoned shall be bound to appear at the time and place mentioned in the summons, in person or, if the summons so allows, by his recognised agent or a legal practitioner.

(3) The person attending in obedience to the summons shall be bound to state the truth upon any matter respecting which he is examined or makes statements, and to produce such documents and other things relating to any such matters as the summoning officer may require.

Penalty for failure to attend within limits of estate in obedience to orders of Canal and Revenue Officers.

18. If a person required by a summons, notice, order or proclamation proceeding from a summoning officer to attend at a certain time and place within the limits of the estate in which he ordinarily resides, or in which he holds or cultivates land, fails to comply with the requisition, he shall be liable, at the discretion of the summoning officer, to a fine which may extend to fifty rupees, which, if not paid in cash, shall be recoverable as arrears of land revenue.

Power to make rules.

19. (1) The Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act.

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

(a) the manner in which notices under this Act, or the schedules of ¹[* * * *]
acreage rates shall be published;

²[(b) * * * *]

1. The words "betterment charges and" omitted by Puniab Act 20 of 1973, section 14.

2. Clause (b) omitted by *ibid.*

¹[(c) * * * *]

¹[(cc) * * * *]

- (d) the form in which demand statements may be prepared under sub-section (1) of section 8 and the procedure for preparing the same;
 - (e) the form in which notices of demand may be prepared under this Act and the manner of their service;
 - (f) the time within which objections may be preferred from notices of demand under sub-section (2) of section 8, the procedure for the determination of such objections and the authorities to whom and the manner in which and the conditions subject to which appeals may be preferred therefrom;
 - (g) the time within which ²[* * * *] acreage rates shall be payable after the notice of demand and the manner in which ³[such rates] may be realised;
 - (h) the conditions subject to which any sum due under this Act may be paid in instalments and the rate of interest for the payment of such sum in instalments;
- ¹[(i) * * * *]
- (j) the manner in which ⁴[* * * *] acreage rates may be apportioned between landowners and occupancy tenants;
 - (k) the manner in which and the conditions subject to which any officer shall exercise his powers under this Act;

1. Clauses (c), (cc), (i) omitted by Punjab Act 20 of 1973 section 14.
 2. The words "betterment charges and" Quitted by *ibid*.
 3. Substituted for the word "such charges or rates" by *ibid*
 4. The words "betterment charges and" Omitted by Punjab Act 20 of 1973, section 14.

(l) any other matter requiring to be prescribed under this Act;

Repeal

20. ¹[(1)] The Punjab Betterment Charges and Acreage Rates Act, 1952 (President's Act No. III of 1952), is hereby repealed, but notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the repealed Act shall be deemed to have been done or taken in exercise of the powers conferred by or under this Act so far as consistent with the provisions of this Act.

²[(2)] The PEPSU Betterment Charges and Acreage Rates Act, 1954 (Pepsu Act No. 1 of 1955), is hereby repealed:

Provided that the repeal shall not affect:—

- (a) the previous operation of the Act so repealed or anything duly done or suffered thereunder; or
- (b) any right, privilege, obligation or liability acquired or incurred under the Act so repealed; or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the Act so repealed; or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and such penalty, forfeiture or punishment may be imposed, as if this Act had not been passed:

1. Renumbered by Punjab Act 12 of 1958, section 3.

2. Added by *ibid.*

Provided further that anything done or any action taken under the Act so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under this Act.]