

The Punjab land improvement scheme Act, 1963

**Act no. 23 of 1963
As applicable to
Punjab
1985**

The Punjab land improvement Schemes Act, 1963
Punjab Act No. 23 of 1963
Arrangement of Section
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Received the assent to the president of India on the 10th May, 1963 and first published for general information in the Punjab Government Gazette (Extra), Legislative Supplement, Part 1 of 18th 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 I 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-
 - ¹(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.
 - ²(aa) 'Bank' means Mortgage Bank as defined in clause (d) of the Punjab Co-operative Land Mortgage Banks Act, 1957.
 - ³(aaa) ('Deputy Commissioner' means the officer appointed for the time being to be the Deputy Commissioner of a District and includes any other officer authorized by the State Government under this act and the rules made there under
 - (b) ¹[---]
 - (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 II

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;
- ¹[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.

COMMENTARY

Purpose of land improvement schemes-The purpose of a scheme and the proposed action must be stated in the draft scheme. Where there was failure to follow the procedure laid down in the Act the scheme was quashed 1971 PLJ 191.

SECTION 6

- 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 approve the* District Land Improvement Committee, it shall be published in ¹[---] 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 officer 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 wi8th 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 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 male 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 III

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
- ¹[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 I 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.

Commentary

- 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.

SECTION 14

- 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 IV

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 of 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.
- ²[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]

CHAPTER V

Miscellaneous

- 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 an 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 made 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, be 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 toher Officer, exercising any power or performing any function under this Act, shall be deemed to be a public servant within the meeting 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.

COMMENTARY

Requirement to lay down the Rules before the Legislature is not mandatory:- The question arose as to whether the failure to lay the rules before Bench in *Megha Singh & Co v/s State*, AIR 1977 P%^H 297 that his infirmity will not invalidate the Rules, Reliance was placed on a Supreme Court=ecision in *Jag Mohd. v/s State of Gujarat*, AIR 1966 SC 8, where in the Supreme Court didn't pronounce the rules to be ineffective simple because there was failure to place the rules before the House of the State Legislature. In this connection reference may also be made to *Krishan v. R.T.O*, AIR 1956 Andhra 126 and *Madhav Rao v. State of A.P. 1967(2)* and WR 356 wherein similar view was expressed by the Andhra Pradesh High Court.

In this connection reference may be made to the case reported as *Regin v. immigration Appeals Tribunal*, which was quoted by the Full Bench in Mr. Justice O.

Chinappa Reddy (now Judge Supreme Court of India) who delivered the judgment of the Full Bench observed as under:

Recently in *Regin v. Immigration Appeals Tribunal*, the question arose whether certain immigration rules had been laid before Parliament as required by the Immigration Appeals Act. The Lord Chief Justice of England and two of his companion Judges went into matter and on the evidence held that there was compliance with the requirement regarding laying. The question was not brushed aside on the ground that non-laying was of no consequence. In a case which came before the Court of Error of Barbados, Colimore, C.J. was reported by Margarry to have said:-

"Where the Legislature delegates its law-making power to a subordinate authority and reserves the right to review the regulation made, such subordinate body, any necessary to disallow them, and attaches conditions to secure that it shall have the opportunity to exercise its powers of review as the Supreme Legislative authority such conditions are mandatory."

It was further observed:-

"Academic Lawyers like Sir C.K. Allen, Barnard Schwatz, R.R, Megarry (now justice Magarry and Prof. Kerselll Have all been greatly agitated about the problem of non-laying and very rightly too. One of the major problems of any liberal democracy, particularly a modern welfare-State is that of controlling excessive executive action. The desire to attain the objective of scaring 'social' economic an political justice necessarily results in intense activity in the legislature and the executive fields. Unable to deal with matters of detail, the legislature is too often content to lay down the guidelines and leave the details to be worked out by expert executives. Ti may perhaps be said that in recent years sub-ordinate legislation has grown in geometrical progression to legislation as such. With the growth of subordinate legislation, has grown the possibility of abuse in the making of such subordinate legislation, not because of any evil design on the part of the executive to get on with the job without any possible interference. In fact a well intentioned executive armed with power may turn out to be the most arbitrary of men. There is thus a eager of expert executives becoming masters of the people they are employed to serve. There is an even greater danger of indifferently made delegated legislation to control the executive and laying before the Legislature is one of the devices by which such control is exercised. But then is it for the courts to declare delegated legislation as invalid on the ground of non-laying when the Legislature itself attached or prescribed no consequence to the non-laying"

Ti was held that non-laying of rules before the Legislature is not material. *Mage Singh v. State AIR 1977 Pb. 297.*

¹[The Punjab Land Improvement Scheme Rules, 1978]

- 1 Short title**—(1) These rules may call the Punjab Land Improvement Rules, 1978
(2) They shall come into force at once.
- 2 Definitions**—In these rules, unless there is anything repugnant in the subject or context—
 - (a) "Act" means the Punjab Land Improvement Scheme Act, 1963.;
 - (b) "committee" means the District Land Improvement Committee constituted under section 4;
 - (c) "Form" means a form appended to these rules;
 - (d) "section" means a section of Act.
- 3 Notice of publication of scheme**—[section 7 (2) and 30(2) (b)]—
Simultaneously with the publication of scheme in the Official Gazette under Sub-section (2) of section 7, the committee shall publish the same alongwith a notice in Form 'A' in every village and at the headquarters of the Tehsil and district in which by affixing a copy thereof on the notice board in the offices of the Tehsildar and the Deputy Commissioner concerned and at conspicuous places in village or villages affected by the scheme.
- 4 Preparation of the Statement an entries in record of rights**—[Sections 16 and 30 (2)(d)]—(1) The Statement under sub-section (1) of section 16 shall be in Form 'B' and prepared in Punjabi, language in Gurmukhi script. It shall be sent in triplicate by the Soil Conservation Officer to the Tehsildar concerned as soon as possible, after the 1st day of April in each year.
 - (2) On receipt of the statement, the Tehsildar shall retain one copy and shall forward the other two copies to the Patwari of the village concerned.
 - (3) The Patwari shall make the necessary entries in the mutation register corresponding to each entry in the Statement
 - (4) After the entry in the mutation register is certified as required by section 35 of Punjab Land Revenue Act 1887, the Patwari shall transfer the entry to the record of rights, under the column "other rights".
 - (5) The Patwari shall also fill in column 15 of the statement in Form 'B' and return one of the copies of the Divisional Soil Conservation Officer through the Tehsildar concerned.

- (6) When the entries in the record of rights are altered on account of change of ownership of land, corresponding changes shall be carried out by the Tehsildar under his signature in column 14 of the statement in Form 'B' prepared under section 16 and received by him under sub-rule(5)
- 5 Extent Of enhancement of rent and condition subject to which enhancement may be made**—[Section 22 and 30 [2](f)]—The landowner whose land has been included in a scheme may after a period of three years from the date of which the scheme come into force under section 11, enhance the rent payable by a tenant in respect of such land by not more than ten per centum of payable on the date on which the scheme come into force.
- 6 Form of notice to be served on the land owner for maintaining or repairing works**—[Section 17 and 30 (1)]—If any landowner, shown in the statement prepared under section 16 as liable to maintain and repair any work, does not maintain or repair it to the satisfaction of the Soil Conservation Office, the Soil Conservation Officer shall serve upon the land owner a notice in Form 'C' specifying the time within which the repairs described in the notice are to be carried out.
- 7 Manner in which documents plans and maps relating to a scheme which has come into force shall be accessible to the Public**—[Section 25]—Documents, plans and maps relating to a scheme which come into force shall be open for public inspection at the office of the Tehsildar concerned on payment of a fee of five rupees for each set of documents, plans and maps pertaining to the scheme.
- 8 Authentication of decision of committee**—[Section 30 (2)(f)]—For the purposes of the Act the decisions of the Committee shall be authenticated and given effect to by the Secretary of the Committee.
- 9 Form of certificate under Section 13A (1)(iii)**—The certificate under clause (iii) of sub-section (1) of section 13A shall be in Form 'D'.
- 10 Procedure for financing scheme and advancing amount under Section 13A**—(1) The Punjab State Co-operative Land Mortgage Bank Limited shall examine the scheme along with the particulars received by it under sub-section (1) of section 13A from the Department and in case the said Bank is satisfied that the scheme is viable and is in order, it may sanction the financing of the scheme and forward the same to the Primary Land Mortgage Bank Concerned for financing purpose under intimation to the Department.
- (2) In case the Punjab State Land Mortgage Bank Limited is not satisfied with the scheme, it will return the same to Department along with memorandum containing the objection due to which the financing of the scheme cannot be sanctioned. On removal of the objection raised by the Bank the Department shall re-submit the scheme to the

Punjab State Co-operative Land Mortgage Bank Limited and when the scheme is re-submitted, the provisions of sub-rule (1) *shall mutatis mutandis apply*.

- (3) The notification under sub(3) of section 13A shall be issued in Form 'E'.
 - (4) After the expiry of a period of one month of the issue of notification under sub rule (3), the department shall intimate to the Primary Land Mortgage Bank concerned in the Form 'F' the estimated amount which is to be financed by it for executing the scheme.
 - (5) The Primary Land Mortgage Bank concerned shall advance the amount intimated under sub-rule (4) to the Department under intimation to the landowner concerned on whose behalf the amount is advanced.
- 11 Supply of information to the Bank--**[Section 30 (2)(f)]—The Soil Conservation Officer shall supply such information to the Punjab State Cooperative Land Mortgage Bank Limited or the Primary Land Mortgage Bank concerned as may be deemed necessary and shall also assist in the inspection of the works of execution of the scheme by officers of said Banks.
- 12 Repeal & Saving—**(1) The Punjab Land Improvement Schemes Rules 1963 are hereby repeated.
- (2) Notwithstanding such repeal anything done or nay action taken under the rules hereby repeated shall be deemed to have been done or taken under these rules.
- 13 Manner of recovery of expenses incurred for carrying out works under section 14(4)—**(1) When a scheme of lining a common canal water courses is executed under sub-section (4) of section 14 on behalf of the landowners, a notice in Form 'G' specifying the share of each landowners shall be displayed at a conspicuous place in the concerned village and the substance of that notice shall also be published in the village by beat of drum.
- (2) If any landowner failed to deposit the amount of his share of the cost as specified in the notice referred to in sub rules (1) with the Soil Conservation Officer within a period of two months form the date of publication of such notice, the same shall be recovered in ten half-yearly equated installments together with interest thereon at the rate of twelve per cent per annum.

Form 'A'
(See rule 3)
Notice of Publication of Draft Scheme

In pursuance of the provision of sub-section (2) of section 7 of the Punjab Land Improvement Scheme Act, 1963, the District Land Improvement Committee noted below, hereby publish the draft scheme approved under sub-section (1) of the aforesaid section.

Notice of the publication of the scheme is hereby given in accordance with the provisions of section 8 of the Act. All persons affected by the scheme who wish to make any claim or to submit any objection to the draft Scheme may do so in writing or by appearing personally before the Inquiry Officer. Agricultural Inspector or Sectional Officer, Soil Conservation Scheme, as given in column 3 on or before the expiry of 30 days of publication of this draft scheme.

Draft Scheme approved under sub-section (1) of section 7 of the Punjab Land Improvement Scheme Act. 1963.

Serial No.	District Land Improvement Committee	Inquiry Officer	Division	Sub-Division	District	Tehsil
1.	2.	3.	4.	5.	6.	7.

Village	Objection of the scheme	Approximate area in acres				The work or kind to be carried out under the scheme
		Private Lands	Government Lands	Panchayat Lands	Total	
8.	9.	10.	11.	12.	13.	14.

The agency or agencies through which the work shall be carried out	Conditions according to which the contraction work will be carried out	Name of the owner and his father's name	Rectangle No.	Khasra Nos	District	Tehsil
15.	16.	17.	18.	19.	20.	21.

Secretary,
District Land Improvement Committee

Form 'B'
(See rule 4)
Serial No.

Rs.

Total cost of work done	
Amount of subsidy	
Amount of be recovered	
Village	
Tehsil	
District	

Serial No.	Khasra No.	Name of Owner	Area	Assessment
1.	2.	3.	4.	5.

Number of bunds	Number of trenches	Number of waste weirs	Number of drains	Total amount to be recovered from landowner	Period of recovery and number of installments of recovery
6.	7.	8.	9.	10.	11.

Year from which recovery should begin	Annual installment or six monthly installment	Person or persons liable to maintain and repair work individually or jointly	* Serial number of entry in the mutation register and date of certification of the entry	Remarks
12.	13.	14.	15.	16.

Form 'C'
(see rule 6)
Form of Notice

To

Shri
.....

Whereas according to statement of rights and liabilities prepared under section 16 of the Punjab Land Improvement Scheme Act, 1963, you are liable to maintain and repair the works in land bearing Khasra No. in the village of Teshil district
.....

Therefore a notice is hereby given under section 17 of the said Act that you should carryout complete to may satisfaction the repair specified below at you cost within days from the date of this notice failing which I shall get the work carried out and the expenses incurred by me in carrying out the works shall be recovered from you along with interest thereon as arrears of land revenue.

Description of repairs to be carried out
Dated the day of 20...

Soil Conservation Officer,
.....

Form 'D'
(see rule 9)
Certificate

Certified that Hectares of irrigated and Hectares of un-irrigated land is included in the scheme. The values of irrigated land per hectare is Rs. Thus total irrigated land per hectare land is Rs. Which is sufficient security for purpose of recovering cost of the scheme and the interest there on.

Dated:

Office of Soil Conservation and
Engineering Department, Punjab.

Form 'E'*[see rule 19(3)]***Notification of financing of Soil Conservation Scheme by the Punjab State Co-operative Land Mortgage Bank Limited.**

Whereas, the Punjab State Co-operative Land Mortgage Bank Limited has sanctioned the financing of the scheme mentioned in the Schedule given below under sub-section (2) of section 13A of the Act.

Now, therefore, it is hereby notified that all the land owners affected by the scheme who do not want to avail of the facility of financing by the said Bank, may deposit the amount of estimated cost falling to their respective share to the Assistant Soil Conservation Officer or the Divisional Soil Conservation Officer concerned within a period of one month of the date of issue of this notification, and after the expiry of the said period of one month, the scheme shall be financed by the bank and the loan amount so advanced on his or their behalf shall be deemed to be the loan advanced under section 11A of the Punjab State Co-operative Land Mortgage Bank Act 1957, to such landowner or land owners and shall be subject to all the terms and conditions on which the Bank advance loans to its members for a purpose connected with the improvement of land:-

Schedule

Serial No.	Name of Scheme	Village and H.B. No.	Tehsil	District.
1.	2.	3.	4.	5.

Assistant Soil Conservation Office/ Divisional Soil Conservation Officer concerned	Total estimated cost of the Scheme	Estimated cost per Hectare	Remarks
6.	7.	8.	9.

Dated: -

Chief Conservator of Soils, Punjab

Form 'F'
[see rule 19(3)]

To

The Manger,
The Primary Co-operative Land Mortgage Bank,
.....

Subject: Estimated amount to be financed for executing the scheme.

Dear Sir,

Whereas, the scheme regarding of village
..... Tehsil district has been
sanctioned for financing by the Punjab State Co-operative Land Mortgage Bank Limited
for an estimated cost of Rs. as intimated vide it
No. dated

And whereas an amount of Rs. has been arranged/ deposited
by the landowners.

Now, therefore, the balance amount of Rs.
required for the execution of the scheme, may please be advanced in the names of the
landowners included in the scheme excepting those mentioned below, and be disbursed
to the in the installments as detailed below:-

- 1.
- 2.

Name of landowners who have arranged or deposited the amount:-

- 1.
- 2.
- 3.
- 4.

Yours faithfully,
Chief Conservator of Soils, Punjab.

Form 'G'
[see rule 13]

Whereas the works of lining of common canal watercourses of outlets at R.D. of Distributary / Minor serving village/ villages H.B. No. No./ Nos. Tehsil district have been carried out in accordance with the scheme approved by District Land Improvement Committee and notified in the Punjab Government Gazette, dated as provided in the section 14(4) of the Act, and cost of such works with interest thereon is to be recovered from the landowners in proportion of the area owned by such landowners which has been included in the scheme.

Now, therefore, the landowners affected by the scheme, as mentioned in the Schedule below, are hereby informed that they may deposit their respective share of costs as given in the schedule, to the Assistant Soil Conservation Officer/ Divisional Soil Conservation Officer,, within a period of two months from the date of publication of this notice failing which the amount due shall be recovered from them in the manner specified in rule 13 of the Punjab Land Improvement Scheme Rules, 1978

Schedule

Serial No.	Name of landowner with father's name	Cost per hectare	Area owned (included in the scheme)	Amount	Remarks
1.	2.	3.	4.	5.	6.
1.					
2.					
3.					
4.					

Dated

Divisional Soil Conservation Officer,