

# THE UTTAR PRADESH KANS ERADICATION ACT, 1951<sup>1</sup>

[U. P. ACT No. XXII OF 1951]

[Passed in Hindi by the Uttar Pradesh Legislative Assembly on September 6, 1951, and by the Uttar Pradesh Legislative Council on September 17, 1951.]

Received the assent of the Governor on October 3, 1951, under Article 200 of 'the Constitution of India' and was published in the Uttar Pradesh Gazette, Extraordinary, dated October 15, 1951.]

AN

ACT

to provide for eradication of '*kans*' weed in certain areas of Uttar Pradesh;

WHEREAS it is expedient to provide for eradication of *kans* weed in certain areas of Uttar Pradesh ;

It is hereby enacted as follows:

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| Short title,<br>extent and<br>commencement | 1. | (1) This Act may be called the Uttar Pradesh <i>Kans</i> Eradication Act, 1951.<br>(2) It extends to the whole of Uttar Pradesh.<br>(3) It shall come into force on such date <sup>2</sup> as the State Government may, by notification in the official Gazette, specify in this behalf.  |
| Definitions                                | 2. | In this Act, unless there is anything repugnant in the subject or context- ----<br>(a) " <i>Kans</i> eradication operations" mean such operations as are considered necessary by the <i>Kans</i> Officer to eradicate the weed known as <i>kans</i> ;<br>(b) " <i>Kans area</i> " means the area which the State Government may, by notification, under sub-section (1) of section 3 declare to be an area infested with <i>kans</i> ;<br>(c) " <i>Kans</i> Officer" means the Collector of the district and includes any other Officer authorized by the State Government or by the <i>Kans</i> Officer, to exercise all or any powers conferred upon him under this Act ;<br>(d) "prescribed" means prescribed by rules under this Act ;<br>(e) "State Government" means the Government of Uttar Pradesh. |
| Declaration of<br>'kans' area              | 3. | (1) If the State Government is of the opinion that any area is infested with <i>kans</i> , it may, by notification published in the official Gazette, declare such area, giving full particulars of the lands included therein to be a <i>kans area</i> for the purpose of this Act.  |

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1. For Statement of Objects and Reasons, see U. P. Gazette Extraordinary dated September 4, 1951.  
2. It will come into force with immediate effect vide notification no. C-5128/XII-A, dated October 29, 1951.

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[Section 4-6]

- (2) The publication of notification under sub-section (1) shall be a sufficient notice of the facts stated therein to all persons owing or having interest in the land or lands comprised in such area.

Cancellation of  
notification  
under section 3

4. If any person interested in any land included in the *kans area* files an objection within 30 days of the notification under section 3 that the *kans area* or any part thereof ought not to be taken up for *kans* eradication operations for the reasons to be stated by the objector, the State Government may, after making such enquiries as may be necessary, cancel the notification either in respect of the entire area, where upon the area shall cease to be *kans area* or in respect of the part whereupon such part shall cease to be included in the *kans area*.

Power to  
survey and  
carry on 'kans'  
eradication  
operations

5. (1) After 30 days of the date of publication of the notification under sub-section (1) of section 3 in respect of any area, and where any objection has been filed under section 4 after the disposal of such objection, it shall be lawful for the Kans Officer and his subordinates or workmen authorized by him in this behalf to-
- (a) enter upon and survey and take levels of any land in the *kans area* ; ,
  - (b) to dig or bore into the sub-soil of any such land ;
  - (c) to set out the boundaries of the lands included in the *kans area*; and
  - (d) to do all acts necessary for the purpose of *kans* eradication operations therein.
- (2) The work relating to kans eradication operations shall be completed within one year from the date of publication of notification under section 3.
- (3) Where *kans* eradication operations have been completed in all the lands included in any *kans area* the State Government shall publish a notification in the official Gazette to that effect and thereupon the *kans* eradication operations shall be deemed to have been closed and from the date the area shall cease to be a *kans area*.

Owners and  
other persons  
not to obstruct  
the operations

6. (1) Any person owing or having an interest in the land included in the *kans area* shall not during the period of *kans* eradication operations do any act on or upon such land so as to hamper or obstruct the *kans* eradication operations.
- (2) If any person hampers or obstructs the *kans* eradication operations, he shall be liable on conviction to a fine not exceeding Rs.1,000.
- (3) The Kans Officer shall maintain the accounts in the prescribed manner of all expenditure incurred in connexion with *kans* eradication operations and, the same shall be receivable as evidence of facts stated therein and shall not be called in question in any suit or other legal proceeding.

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[Section 7-12]

Cost of the kans operations	7.	<p>(1) The total expenditure incurred by the State Government on <i>kans</i> eradication operations on the land in the <i>kans area</i> (hereinafter called the cost of <i>kans</i> operations) shall be equitably apportioned, according to the area of the land from which <i>kans</i> has been eradicated, by the Kana Officer as between the several owners or persons having interest in the land or lands in the <i>kans area</i> and the Kans Officer shall fix the amount to be paid by each such owner or person and the amount so fixed shall be a charge on the land to which it relates. The amount so fixed shall not be called In question in any suit or other legal proceeding.</p> <p>(2) The <i>Kans</i> Officer shall further determine whether the amount apportioned under sub-section (1) shall be paid by the person owning or having an interest in the land in one lump sum or by annual instalments, and where it directs annual instalments, he may fix the amount and number of such instalments.</p> <p>(3) The <i>Kans</i> Officer shall cause to be served on the person owning or having an interest in the land in which Kans operations have been carried on a notice of demand specifying the amount of cost of <i>kans</i> operations payable by him and the period within which it shall be paid. If the person upon whom the notice is served refuses to pay or defaults in payment of any instalment, the amount shall be recoverable as if it were an arrear of land revenue.</p>
Return of the 'kans' lands	8.	Upon payment or recovery of the cost of Kans operations specified in the notice under sub-section (3) of section 7 or upon execution of a bond for payment of the same by annual instalments fixed under sub-section (2) of the said section, the Kans Officer shall restore the land included in the <i>kans area</i> to such owner or other person.
Compensation for damages	9.	<p>(1) Any person may, within thirty days from the date of issue of notification under sub-section (3) of section 5, apply to the <i>kans</i> officer for payment of compensation for destruction of, or damage to any tree, harvest and other things, as may be prescribed, in his land as a result of <i>kans</i> eradication operations carried on under section 5 and for the loss of harvest from cultivated land entered upon under the said section.</p> <p>(2) On the receipt of such application the <i>Kans</i> Officer may in the manner prescribed make such enquiry as may be necessary and grant such amount of compensation as may appear to be just and proper. The order of the <i>Kans</i> Officer granting compensation shall be final and conclusive.</p>
Power of <i>Kans</i> Officer to enforce compliance	10.	The <i>Kans</i> Officer may take or cause to be taken such steps or use or cause to be used such force as may in his opinion be reasonably necessary for securing compliance with the provisions of this Act.
Persons acting under the Act to be public servants	11.	All persons acting in pursuance of the provisions of this Act shall be deemed to be public servants within the meaning of that expression in the Indian Penal Code, 1860.
Protection of persons acting in good faith	12.	No suit, prosecution or other legal proceedings shall be instituted against the Government or any person for anything which is in good faith done or intended to be done under this Act.

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[Section 13-14]

## Delegation of powers

13. The State Government may, by notification in the Gazette, delegate to any officer or authority subordinate to it, any of the powers conferred, by it under this Act to be exercised subject to such restrictions and conditions as may be specified in the notification.

Power to make  
rules

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

(2) Without prejudice to the generality of the foregoing powers, such rules may provide for -- :

(a) the form and the manner of publication of the notification to be published under section 3 ;

(b) the manner in which objections shall be filed and heard under section 4 ;

(c) the manner in which and the matters on which enquiry shall be made under section 4 ;

(d) the scheme and programme of *kans* eradication operations for the, purposes of section 5 ;

(e) the form of the notification under sub-section (3) of section 5 ;

(f) the circumstances under which and the purposes for which permission may be granted under section 6 ;

(g) the matters relating to the maintenance of accounts under sub-section (3) of section 6 ;

(h) the manner in which the cost of kans operations shall be determined apportioned and paid under section 7 ;

(i) the adjustment of the cost of kans operations against the income, if any, from the sale proceeds of the products or produce from land included in the *kans* area;

(j) the form of the notice under-sub-section (3) of section 7 and the manner in which it shall be served ;

(k) the form of the bond to be executed under section 7;

(l) the factors to be taken into consideration for determination of the compensation under section 8;

(m) the procedure to be followed in the proceedings relating to compensation under section 8 and the appeals relating thereto ; and

(n) the guidance generally of the *Kans* Officer and other Officers in any matter connected with the carrying out of the provisions of this Act.