

**THE EAST PUNJAB CONSERVATION OF MANURE  
ACT, 1949.****TABLE OF CONTENTS.****SECTIONS.**

1. Short title, extent and commencement.
2. Interpretation.
3. Power to notify certain areas.
4. Liability of occupier or head of a family in a notified area.
5. Formation of Committees.
6. Chairman of Committee.
7. Funds.
8. Committee to take steps for acquiring land.
9. Acquisition of land by Government.
10. Powers of Committee to charge rents.
11. Power of entry.
12. Power to require conservation of manure.
13. Penalty for disobedience.
14. Supervision of the proceedings of the Committee by the Deputy Commissioner.
15. Finality of orders of the Committee.
16. Procedure if the Committee does not issue notice.
17. Proceedings of disobedience of notice issued under the last preceding section.
18. No Legal Practitioner to appear before Committee.
19. Delegation.
20. Recovery of dues as arrears of land revenue.
21. Bar to suits of legal proceedings.
22. \* \* \* \* \*
23. Power of Government.
24. Repeal.

# **THE EAST PUNJAB CONSERVATION OF MANURE ACT, 1949.**

**East Punjab Act No. XV of 1949.**

*[Received the assent of His Excellency, the Governor on the 24th October, 1949, and first published in the East Punjab Government Gazette (Extraordinary) of October 29, 1949].*

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by legislation
1949.	XV	The East Punjab Conservation of Manure Act, 1949	Amended in part by the Adaptation of Laws Order, 1950 Amended in part by Punjab Act, VIII of 1950 <sup>2</sup> Amended in part by the Adaptation of Laws (Third Amendment) Order, 1951 Amended in part by Punjab Act, XXXIII of 1953 <sup>3</sup> Extended to the territories which, immediately before the 1st November, 1956, were comprised in the State of Patiala and East Punjab States Union, by Punjab Act V of 1959. <sup>4</sup> Amended by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

## **An Act to provide for the conservation of manure in**

**<sup>5</sup>[Punjab].**

IT is hereby enacted as follows :—

Short title, extent  
and commence-  
ment.

1. (1) This Act may be called the East Punjab Conservation of Manure Act, 1949.

(2) It extends to the whole of the <sup>6</sup>[Union Territory of Chandigarh].

<sup>1</sup>For Statement of Objects and Reasons, see *East Punjab Government Gazette* (Extraordinary), pages 976-977; for proceedings in the Assembly, see *East Punjab Legislative Assembly Debates*, Volume IV, 1949, pages (2)39—(2)47.

<sup>2</sup>For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1950, page 203; for proceedings in the Assembly, see *Punjab Legislative Assembly Debates*, 1950, Volume I, pages (20)36-(20)37. This Act has been repealed by Punjab Act, XXXIII of 1953.

<sup>3</sup>For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1953, pages 159-C—159-D; and for proceedings in the Assembly and Council, see *Punjab Legislature Assembly and Council Debates*, 1953.

<sup>4</sup>For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1958, page 1487.

<sup>5</sup>Substituted for the words "East Punjab" by the Adaptation of Laws (Third Amendment) Order, 1951.

<sup>6</sup>Substituted for the words "State of Punjab" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order 1968.



(3) It shall come into force in such areas and on such dates as the <sup>1</sup>[Central] Government may by notification appoint in this behalf.

Interpretation.

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

- (a) "Committee" means the Manure Conservation Committee set up or deemed to have been set up under the provisions of section 5 ;
- (b) "complaint" has the same meaning as in section 4 of the Code of Criminal Procedure, 1898 ;
- (c) "Conservation of manure" means the collection of manure in a pit or pits of the prescribed dimensions and its subjection to the prescribed process for the purpose of enriching the soil by its use thereon ;
- (d) "Deputy Commissioner" means the Deputy Commissioner of the District ;
- (e) "family" means a collective body of persons living in one house under one head or management ;
- (f) "Government" means the <sup>1</sup>[Central Government] ;
- (g) "head of the family" means a person in charge of a family ;
- (h) "manure" means and includes animal droppings, refuse, house-sweepings, ashes, uneaten fodder, residue, filth or rubbish of any kind, but does not include mineral fertilizers ;
- (i) "notified area" means an area notified by Government under section 3 ;

<sup>1</sup>Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

<sup>2</sup>Substituted for the figure "6" by Punjab Act, XXXIII of 1953.

<sup>3</sup>Since repealed and replaced by Punjab Act No. IV 1953.

(j) "panchayat" means a panchayat established under section <sup>1</sup>[5] of the <sup>3</sup>[Punjab Village Panchayat Act, 1939 ;

(k) "prescribed" means prescribed by rules made under this Act.

3. The Government may by notification declare any area situated within the limits of any one tehsil to be a notified area for the purpose of this Act, and may by notification alter the boundaries of any area so declared.

Power to notify certain areas.

4. (1) The occupier of any building in a notified area, or, if more than one person occupy a building in such area, the head of the family residing in such building, shall conserve manure, or arrange for its conservation, in the prescribed manner and to the prescribed extent.

Liability of occupier or head of a family in a notified area.

(2) If the occupier, or, as the case may be, the head of the family responsible for conservation of manure, is not in possession of land for such purpose, he shall within one month of the formation of a Committee for the area in which he resides submit a written application to the Committee to provide him in such area with land necessary for the aforesaid purpose.

5. (1) The Panchayat for any notified area shall be the Manure Conservation Committee for such area and its powers under this Act shall be in addition to its powers conferred under the <sup>2</sup>Punjab Village Panchayat Act, 1939.

Formation of Committees.

(2) If no Panchayat has been constituted for any notified area, the Deputy Commissioner shall establish for such area a Manure Conservation Committee appointing thereto such number of persons, not less than three, as he may from time to time fix in this behalf.

(3) A Committee shall, subject to such rules as may be prescribed, be competent to acquire, hold or transfer property moveable or immovable, to enter into contracts and to do all other things necessary for the purpose of this Act.

6. (1) The Chairman of any Committee deemed to be such under sub-section (1) of section 5 shall be the Sarpanch of the Panchayat.

Chairman of Committee.

<sup>1</sup>Substituted for the figure "6" by Act No. IV of 1953.

<sup>2</sup>Repealed and replaced by Punjab Act No. IV of 1953.



(2) The Chairman of the Committee established under sub-section (2) of section 5 shall be the person appointed as such by the Deputy Commissioner from among the members of the Committee.

(3) The Chairman shall be the Chief Executive Officer of the Committee and shall be responsible for the due maintenance of all records or registers which may be prescribed.

Funds.

7. (1) There shall be a fund vested in each Committee which shall be utilized by the Committee to meet charges in connection with its duties under this Act.

(2) All grants from the Government or local bodies and all sums recovered by or on behalf of the Committee under this Act or otherwise, shall be credited to the aforesaid fund.

Committee to take steps for acquiring land.

8. (1) On receiving any application made to it under sub-section (2) of section 4 the Committee shall take all steps necessary for providing to the applicant the area of land required by him.

(2) If the Committee is unable to provide the land required by the applicant, it shall within one month of the application, apply to the Government for the acquisition of the necessary area of land within the notified area.

Acquisition of land by Government.

<sup>1</sup>9. (1) If in the opinion of Government any land is required for conservation of manure, in pursuance of an application made to it by any Committee, it may by notification declare such land to be so required for a public purpose and such notification shall be conclusive evidence of the matters stated therein, and shall not be liable to be called in question in any Court on any ground whatever.

(2) The Deputy Commissioner of the District in which the area referred to in sub-section (1) is situated shall give publicity to the notification issued under sub-section (1) in such manner as may be prescribed

<sup>1</sup>Substituted by Punjab Act XXXIII of 1953, section 3. The original section had been substituted by Punjab Act, VIII of 1950, which Act has been repealed by Punjab Act, XXXIII of 1953.

(3) After the expiry of 15 days from the issue of a notification under sub-section (1) the Deputy Commissioner may, by order, notwithstanding any law to the contrary, authorise the Committee to take possession of the area specified therein.

(4) The Deputy Commissioner shall then proceed to occupy the area or procure its occupation, as the case may be, and the provisions of the Land Acquisition Act, 1894 (Act I of 1894), except sections 4 to 8 inclusive as amended by the Land Acquisition (East Punjab Amendment) Act, 1948 (East Punjab Act XV of 1948), shall be applicable as nearly as may be.]

10. The Committee may charge rents not exceeding the prescribed scale for the site or sites it provides for conservation of manure to any person who has made application to it under sub-section (2) of section 4.

Power of Committee to charge rents.

11. Any member of a Committee or <sup>1</sup>[any officer of the Revenue Department not below the rank of Naib-Tehsildar or any officer of the Department of Agriculture not below the rank of Agricultural Inspector] shall be empowered to enter upon any land or premises within the jurisdiction of such member or officer, as the case may be, for the purpose of ascertaining whether or not manure is being conserved in such land or premises.

Power of entry.

12. (2) If any person fails to conserve manure in the manner or to the extent required under sub-section (1) of section 4, the Committee may by notice in writing specifying a reasonable period require him to conserve manure in the prescribed manner or to the prescribed extent.

Power to require conservation of manure.

(2) If any work required to be done under sub-section (1) is not executed within the period of the notice, the Committee may itself cause such work to be executed and recover a sum not exceeding the cost thereof from the person to whom notice was issued under sub-section (1).

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<sup>1</sup>Substituted for the words 'any Officer of the Department of Agriculture not below the rank of Agricultural Assistant' by Punjab Act, XXXIII of 1953, section 4.



Penalty for  
obedience. dis.

13. Any person who disobeys a notice issued by the Committee under section 12 shall on conviction by the Committee be punished with fine which may extend to twenty-five rupees, and if the breach is a continuing breach, with a further fine which may extend to four rupees for every day after the first during which the breach continues.

Supervision of the  
proceedings of  
the Committee  
by the Deputy  
Commissioner.

14. (1) The Deputy Commissioner may of his own motion or on an application of the party aggrieved, call for the records of any proceedings whereby any person has been convicted by the Committee under section 13, and may cancel or modify any order of conviction but not so as to enhance the penalty.

(2) A fee of Rs. 2 shall be paid on every application.

Finality for orders  
of the Committee.

15. Subject to an order made by the Deputy Commissioner under section 14, the order of a Committee under section 13 shall be final and shall not be liable to be called in question by any court or other authority.

Procedure if the  
Committee does  
not issue notice.

16. If in any case a Committee fails within a reasonable period of the default to issue notice under sub-section (1) of section 12, <sup>1</sup>[any officer of the Revenue Department not below the rank of Naib-Tehsildar or any officer of the Department of Agriculture not below the rank of Agricultural Inspector] may issue such notice. If the notice is not complied with he shall have the power of a Committee under sub-section (2) of that section.

Proceedings on  
disobedience of  
notice issued  
under the last  
preceding section.

17. If any person disobeys a notice issued under the last preceding section the officer who issued the notice may make a complaint to the nearest Magistrate having jurisdiction who shall thereupon exercise all the powers of a Committee under section 13.

No legal practi-  
tioner to appear  
before Committee.

18. Notwithstanding anything contained in the Legal Practitioners Act, 1879, no legal practitioner shall be permitted to appear before the Committee for any party in any proceedings under this Act. XVIII of 1879.

<sup>1</sup>Substituted for the words "Officer of the Department of Agriculture not below the rank of Agricultural Assistant" by Punjab Act, XXXIII of 1953, section 5.

19. The Deputy Commissioner may by written order delegate any functions under this Act by name or by designation of office to any Revenue Assistant or Tehsildar. Delegation.

20. Any sums due under this Act may on application to the Collector be recovered as if they were arrears of land revenue. Recovery of dues as arrears of land revenue.

21. No suit, prosecution or other legal proceedings shall lie in respect of anything in good faith done or intended to be done under Act or the rules made thereunder. Bar to suits or legal proceedings.

XI of 1939. 22. The provisions of the <sup>1</sup>Punjab Village Panchayat Act, 1939, specified in the Scheduled to this Act shall, so far as may be, apply to the proceedings of Committees, the powers to be exercised by them and the duties to be performed by them under this Act and their suspension or abolition.

23. (1) Government may make <sup>2</sup>rules for carrying into effect the purposes of this Act. Power of Government to make rules

(2) In particular and without prejudice to the generality of the foregoing power Government may make rules regulating—

- (a) the size of pits for the conservation of manure, the processes to which it is to be subjected and the extent to which it is to be conserved;
- (b) the appointment, suspension and removal of members of Committees;
- (c) the functions and powers and the appointment, suspension and removal of Chairman of Committees;
- (d) the powers of a Committee to sue and to acquire, hold or transfer property and to enter into contracts;

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<sup>1</sup>Repealed and replaced by Punjab Act No. IV of 1953.

<sup>2</sup>For rules, see East Punjab Government Notification No. 19-FP-49/24, dated 30th August, 1949.



- (e) the records and registers to be maintained by Committees and their custody and proper maintenance;
- (f) the custody and proper maintenance of the funds of Committees;
- (g) the terms and conditions on which lands may be transferred by Government to Committees;
- (h) the scale of rents to be charged by Committees for sites provided by them for conservation of manure;
- (i) the conduct of business at meetings of Committees and the quorum for such meetings;
- (j) the punishment, suspension and dismissal of servants of Committees;
- (k) the manner in which summons issued by Committees are to be signed and sealed and;
- (l) any other matter in respect of which rules are expressly required or allowed by this Act to be made.

Repeal of East  
Punjab Ordinance  
No. XV of 1949.

24. The East Punjab Conservation of Manure Ordinance, 1949, is hereby repealed but notwithstanding such repeal any orders made, anything done, any action taken or any proceedings commenced or liability or penalty incurred in exercise of the powers conferred by or under the said Ordinance shall be deemed to have been made, done, taken or commenced or incurred in exercise of the powers conferred by or under this Act.

#### SCHEDULE

Sections 11, 12, (2), 17, 18, 33, 34, 36(3), 38, 60, 61, 64